

**CITY OF MURFREESBORO  
BOARD OF ZONING APPEALS**

Regular Meeting, April 27, 2016, 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. Consideration of minutes for the regular meeting on March 23, 2016
3. Nominations and Elections of Chair and Vice-Chair
  - a. Nominations and Election of Chair to serve remainder of 2016
  - b. Nominations and Election of Vice-Chair (if necessary) to serve remainder of 2016
4. New Business

*Sign Variance Requests*

- a. **Application S-16-023 by Betsy Shackelford of Premier Sign Company representing Slim Chickens**, requesting a Variance from Section 25¼-26(A)(22) of the Murfreesboro Sign Ordinance, which prohibits a sign from being placed in or over a public utility or drainage easement, on property in the Highway Commercial (CH) district located at 229 North Thompson Lane.
- b. **Application S-16-024 by Kim Stoecker of Rutherford County Schools**, requesting a Variance from Section 25¼-24(C)(1) of the Murfreesboro Sign Ordinance, which prohibits internally-illuminated wall signs in a residential district, on property in the Single-Family Residential (RS-15) district located at 355 West Thompson Lane.

*Variance and Special Use Permit Requests*

- a. **Application Z-16-025 by Julie Smith of Absolute Fireworks**, making the following requests for property in the Highway Commercial (CH) district located at 131 Cason Lane:

- i. A Special Use Permit to operate a Temporary Outdoor Vending Establishment (Fireworks Seasonal Retailer); and
  - ii. A Variance from Section 9(D)(2)(eeee)(2) of the Murfreesboro Zoning Ordinance, which prohibits a temporary vendor located on the site of a permanent business from displacing more than 25 percent of the total parking available on the site.
  
- b. **Application Z-16-026 by Jake Loyd of Mid-America Distributors**, making the following requests for property in the Highway Commercial (CH) district located at 2510 South Church Street:
  - i. A Special Use Permit to operate a Temporary Outdoor Vending Establishment (Fireworks Seasonal Retailer);
  - ii. A Variance from Section 25(E)(5) of the Murfreesboro Zoning Ordinance, which requires temporary and accessory structures in commercial and industrial districts to comply with the same minimum building setbacks required for principal structures; and
  - iii. A 42-foot Variance from Chart 2 (Minimum Lot Requirements, Minimum Yard Requirements, and Land Use Intensity Ratios) of the Murfreesboro Zoning Ordinance, which requires a minimum 42 foot front yard setback in the CH district.
  
- c. **Application Z-16-027 by Jake Loyd of Mid-America Distributors**, making the following requests for requesting for property in the Highway Commercial (CH) district located at 1622 Northwest Broad Street:
  - i. A Special Use Permit to operate a Temporary Outdoor Vending Establishment (Fireworks Seasonal Retailer);
  - ii. A Variance from Section 25(E)(5) of the Murfreesboro Zoning Ordinance, which requires temporary and accessory structures in commercial and industrial districts to comply with the same minimum building setbacks required for principal structures; and
  - iii. A 22-foot Variance from Chart 2 (Minimum Lot Requirements, Minimum Yard Requirements, and Land Use Intensity Ratios) of the Murfreesboro Zoning Ordinance, which requires a minimum 42 foot front yard setback in the CH district.

*Special Use Permit Requests*

- a. **Application Z-16-028 by Stephanie Norwood**, requesting a Special Use Permit to operate a Home Occupation (Pet Grooming Business) on property in the Single-Family Residential (RS-10) District located at 1105 Grantland Avenue.

- b. **Application Z-16-029 by Matt Taylor of SEC Inc. representing Salem Academy Daycare**, requesting a Special Use Permit to allow a Daycare Center in the General Office (OG) district along the south side of Oval Hesson Lane, west of Saint Andrews Drive.
- c. **Application Z-16-030 by John Rudd of Stepping Stones Safe Haven, Inc.**, requesting a Special Use Permit to operate a Group Shelter on property in the Multi-Family Residential (RM-12) district located at 720 Old Salem Road.
- d. **Application Z-16-031 by Alton Sims**, requesting a Special Use Permit to operate a Temporary Outdoor Vending Establishment (Produce Sales) on property in the Highway Commercial (CH) district located at 2510 South Church Street.
- e. **Application Z-16-032 by Wesley Reid of TNT Fireworks**, requesting a Special Use Permit to operate a Temporary Outdoor Vending Establishment (Fireworks Seasonal Retailer) on property in the Highway Commercial (CH) district located at 2012 Memorial Boulevard.
- f. **Application Z-16-033 by Wesley Reid of TNT Fireworks**, requesting a Special Use Permit to operate a Temporary Outdoor Vending Establishment (Fireworks Seasonal Retailer) on property in the Highway Commercial (CH) district located at 2000 Old Fort Parkway.
- g. **Application Z-16-034 by Wesley Reid of TNT Fireworks**, requesting a Special Use Permit to operate a Temporary Outdoor Vending Establishment (Fireworks Seasonal Retailer) on property in the Highway Commercial (CH) district located at 125 John R. Rice Boulevard.
- h. **Application Z-16-035 by Kathy Biter of B & B Fireworks LLC**, requesting a Special Use Permit to operate a Temporary Outdoor Vending Establishment (Fireworks Seasonal Retailer) on property in the Highway Commercial (CH) district located at 102 Southeast Broad Street.
- i. **Application Z-16-036 by Jake Loyd of Mid-America Distributors**, requesting a Special Use Permit to operate a Temporary Outdoor Vending Establishment (Fireworks Seasonal Retailer) on property in the Highway Commercial (CH) district located at the southeast corner of the intersection of Southeast Broad Street and Kensington Square Court.
- j. **Application Z-16-037 by Jake Loyd of Mid-America Distributors**, requesting a Special Use Permit to operate a Temporary Outdoor Vending Establishment (Fireworks Seasonal Retailer) on property in the Highway Commercial (CH) district located at 2870 Old Fort Parkway.

- k. **Application Z-16-038 by Jake Loyd of Mid-America Distributors,** requesting a Special Use Permit to operate a Temporary Outdoor Vending Establishment (Fireworks Seasonal Retailer) on property in the Highway Commercial (CH) district located at 1815-1849 Memorial Boulevard.
  - l. **Application Z-16-039 by Jake Loyd of Mid-America Distributors,** requesting a Special Use Permit to operate a Temporary Outdoor Vending Establishment (Fireworks Seasonal Retailer) on property in the Commercial Fringe (CF) district located at 2061 Lascassas Pike.
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5. Staff Reports and Other Business
  6. Adjourn

# Regular Meeting Minutes of the Murfreesboro Board of Zoning Appeals

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**March 23, 2016 – 1:00 P.M.**  
**City Hall, Council Chambers**

## MEMBERS PRESENT

Julie King  
Frances Mosby  
Ken Halliburton  
Davis Young, Vice-Chair  
John Rodgers, Chairman

## MEMBERS ABSENT

## STAFF PRESENT

Donald Anthony, *Principal Planner*  
David Ives, *Assistant City Attorney*  
Brenda Davis, *Recording Assistant*

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

Mr. Anthony noticed the public hearing was not included in the February 24<sup>th</sup> minutes hard copy. Verification was made that a public hearing did take place and changes were made accordingly.

Minutes from the February 24, 2016 regular meeting were approved as submitted.

## **New Business**

### *Variance Requests*

**Application Z-16-015 by Kirk Mason representing Stones River Manor Inc.**, making the following requests for property in the Highway Commercial (CH), Single-Family Residential (RS-15), and Medical – Residential (CM-R) districts located at 205 Haynes Drive:

- 1) A variance from Table 2 (Buffer Zone Requirements) of the Murfreesboro Zoning Ordinance, which requires a Type D buffer between adjacent properties zoned Highway Commercial (CH) and Single-Family Residential (RS-15); and
- 2) A variance from Table 2 (Buffer Zone Requirements) of the Murfreesboro Zoning Ordinance, which requires a Type A buffer between adjacent properties zoned Highway Commercial (CH) and Medical District – Residential (CM-R).

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Mr. Anthony reviewed the application and the Staff comments contained in the BZA agenda package. Two separate motions were needed.

Mr. Kirk Mason, representing Stones River Manor, Inc. was present to answer questions.

Chairman Rodgers verified there are three types of zoning on one piece of property.

Mr. Anthony agreed and reviewed the different areas of zoning. The outline in green is the lot, itself then he pointed out the RS-15 piece that formally abutted other RS-15 property to the north. He said that property (Haynes Property) was rezoned CH. Mr. Anthony said the property along the south and east is zoned CH. He said there is a strip zoned CMR to the west and consider that a buffer within itself between the CH property and residential property along Long Meadow Drive.

Chairman Rodgers asked if this were all one zoning district, would there be a need for this application.

Mr. Anthony said yes, that is correct. He said the applicant does not want to make this one zoning district at this time. Mr. Anthony said Staff has recommended to make this all one zoning district in the future as a step to avoid future conflicts with these zoning lines.

Ms. King asked if this was originally one piece of property when purchased.

Mr. Anthony referred that question to the applicant as he is not familiar with the property. He said this was an annexed piece of property and probably played some role in how the zoning was determined.

Mr. Kirt Mason, representing Stones River Manor at 205 Haynes Drive came to the podium. He said when the facility was first built in 1977, the property they have now didn't belong to Stones River Manor but belonged to Sam Haynes. He said the front yard at Stones River Manor is where the Rite-Aid Pharmacy now sits. Mr. Mason said a land swap was arranged about 15 years ago with Sam Haynes to acquire all of that property in exchange for their front yard. He said that is how they have gotten their room to expand their front yard facilities. Mr. Mason said the other expansions they have done have been in independent living. He said they were granted a Certificate of Need in September 2016 by the HSDA to add this 30-bed skilled nursing center. Mr. Mason said as a result of that they are applying for this zoning variance. He said to separate those two facilities between the Memory Care and the Skilled Nursing Center would present some difficulties and make it unattractive. Mr. Mason said the expansion plans for the future will be more Independent Living on the northwest corner of the property. He said the southwest corner of the property that would remain is still

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undetermined what sort of expansions they would want there. Mr. Mason said that is the reason they haven't asked for any zoning changes at this time other than this.

Mr. Halliburton asked Mr. Mason to repeat why the Stones River Manor is not asking for a bulk zoning change.

Mr. Mason said the zoning on the northwest corner where they have plans for Independent Living is already appropriately zoned. He said they planned to use the southwest corner for a Hospice Center. Since Murfreesboro is building a Hospice Center, Stones River Manor will utilize the southwest corner for another type of geriatric service. Mr. Mason said it is undetermined what would go there and it could be of a commercial nature, so the zoning would not need to be changed at the southwest corner.

Chairman Rodgers opened the public hearing. There being no one to speak for or against the request, Chairman Rodgers closed the public hearing.

**Mr. Halliburton made a motion to approve a variance from Table 2 (Buffer Zone Requirements) of the Murfreesboro Zoning Ordinance, which requires a Type D buffer between adjacent properties zoned Highway Commercial (CH) and Single-Family Residential (RS-15). The motion was seconded by Vice-Chair Young and carried unanimously in favor.**

**Ms. Mosby made a motion to approve a variance from Table 2 (Buffer Zone Requirements) of the Murfreesboro Zoning Ordinance, which requires a Type A buffer between adjacent properties zoned Highway Commercial (CH) and Medical District – Residential (CM-R). The motion was seconded by Ms. King and carried unanimously in favor.**

**Application Z-16-018 by Tim Dietz representing Sonic Restaurants, making the following requests for property in the Highway Commercial (CH) district located at 215 Cason Lane:**

- 1) A variance from Section 26(D)(1) of the Murfreesboro Zoning Ordinance, which prohibits drive-thru lanes from being located in a required front yard;
- 2) A variance from Chart 4 of the Murfreesboro Zoning Ordinance, which requires a carry-out restaurant to have a minimum of ten (10) queuing spaces; and
- 3) A variance from Chart 3 of the Murfreesboro Zoning Ordinance, which requires drive aisles adjacent to sixty (60) degree parking spaces to have a minimum width of eighteen (18) feet.

Mr. Anthony reviewed the application and the Staff comments contained in the BZA agenda package. Three separate motions were needed.

Mr. Tim Dietz was present to answer questions.

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Chairman Rodgers asked if the subject building already exists.

Mr. Anthony said yes, this is an existing Sonic Restaurant. He said currently on the north side of the building where they are requesting to install a pick-up window, there are drive-up ordering stations. He said those drive-up ordering stations would be eliminated and replaced with this new drive-thru window.

Chairman Rodgers asked if the subject building was built with drive-up ordering stations.

Mr. Anthony said yes and pulled up an aerial photograph that showed the drive-up spaces.

Vice-Chair Young asked how it is determined where the queuing line begins.

Mr. Anthony said it is determined by how Staff, in the past has looked at that. He said it has been from the pick-up window and not beyond it.

Jimmy Mann with JTMJ Architecture came to the podium stating he is the Design Professional for the project. He referred to the setback variance stating cars are already sitting where they are proposing to put the drive-thru lane so they don't view that as a real problem. Mr. Mann referred to the queuing and the blocking of accessible space stating there is a door planned on the side of the drive-thru where car hops come out to and very active in getting people thru that lane. He said there is a detector at the back that tells them how far back the cars are. Mr. Mann said a lot of the drive-thru orders are for drinks, and the employees try to keep the cars from backing up as that would interfere with the stalls.

Mr. Halliburton asked if the car hops would provide the drinks prior to the car getting to the drive-thru window.

Mr. Mann said yes.

Mr. Halliburton asked if that car would be pulling out of the queuing lane and leaving.

Mr. Mann said yes. He said if somebody was in the queuing lane, ordered a drink and the queuing lane starts to get backed up, the car hop would come out, provide the order, then the car would pull out. Mr. Mann said that would keep the queuing lane from backing up.

Mr. Mann said because this property has less space, they were creating more space in the front because car hops always deliver out front to the patio or to the other cars out front so they have access either way to do that.

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Mr. Halliburton asked if there would be room for the car hop to be able to deliver the food on the driver's side.

Mr. Mann said yes.

Mr. Halliburton assumed there was a sidewalk.

Mr. Mann said yes there is a sidewalk the car hops use for the cars that are on that side.

Mr. Halliburton verified there would be nine (9) stall spaces eliminated.

Mr. Mann said yes.

Mr. Halliburton asked if the nine (9) stall spaces would be replaced.

Mr. Mann said no.

Mr. Halliburton said it is going to be more important for the cars to flow through the queuing lines after the nine (9) stalls are removed. He said there would be more people taking up the stall area on the south side of the site.

Mr. Mann said they run into this a lot that is why they are aggressive in not building the que out. They make sure the cars in the stalls can get in and out efficiently. He said compared to other fast food restaurants, Sonic has car hops in the parking lot and they want them to be safe as well. They have plenty of staff to monitor the cars in the parking lot.

Mr. Halliburton verified that Mr. Mann does not see any problems with the stalls on the south side in monitoring them backing up and pulling in since they only have 13 feet.

Mr. Mann said this will be a managed issue and does not see a problem. He said this is not unusual for what Sonic has done at other locations, adding he has done drive-thru at a number of other locations.

Ms. King verified the car hops direct traffic at Sonics.

Mr. Mann said if it came to that, yes. He said if someone was backing up, the car hops would expedite orders to the drive-thru to get cars out. He said if someone had to back-up to get out....

Ms. King asked how they would know if someone were backing up.

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Mr. Mann said the car hops deliver food to the cars, so they could see what was happening. He said all the car hops are connected by speaker so it should not be a problem.

Chairman Rodgers said he has seen other Sonic Restaurants with a drive-thru and seemed to be configured similarly.

Mr. Mann said they did the drive-thru at the Sonic on Fortress Boulevard.

Ms. King said the Sonic on Fortress had significantly more space.

Chairman Rodgers asked if Mr. Mann has designed other drive-thrus for Sonics on this tight of lot before.

Mr. Mann said yes and has actually designed ones that are tighter. He said the only factor that made this location more of a challenge was the 42-front setback and encroachment on that side.

Chairman Rodgers verified the cars would not be any closer to Cason Lane Boulevard than they currently are.

Mr. Mann said they would not be as close to Cason Lane but farther away.

Mr. Tim Dietz with Sonic Drive-Ins came to the podium. He said the biggest concern seemed to be the reduction of space when cars are queued back to the corner and others are trying to back out. He said when you back out at any Sonic, you look anyway because it happens all day long. Mr. Dietz said there are very few instances/accidents overall with all Sonics.

Chairman Rodgers said the Hardee's on Memorial Street blocks cars on the left of the restaurant when the cars are queuing around the building. He said parking spaces are left empty because people don't want to be trapped in spaces. Chairman Rodgers said it can become a business killer if parking backs up beyond or into the parking spaces.

Mr. Dietz said all other drive-thru restaurants requires every car to go to the window to pick-up orders or pull forward so they run the order out to you. He said Sonic has a door in the back to serve the drive-thru customers. He said about 30% of their business is served that way. He said the drive-thru is a big line-eliminator as the cars are in line, served and out of the line quickly.

Ms. King asked if Sonic has a means for people to pay by card and cash by coming out the door to the back.

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Mr. Dietz said yes. He said the queuing line eliminator is unique and gets the people in and out quickly.

Mr. Gary Whitaker, Planning Director came to the podium and said Staff has several concerns about this site. He said the required ADA handicap space would be blocked by the proposed queuing area. He doesn't see another place for the handicap space. He said all new Sonics have drive-thru service and understands it is a major part of the business, but reiterated this is an extremely small existing site. He said there are too many complications on this site for a drive-thru. Requirements are in the Zoning Ordinance because of problems with cars backing into queuing lanes and not having enough bypass. Mr. Whitaker said these problems would be self-created and Staff does not recommend approval of this application. He said the newer Sonics allow for queuing spaces and some even have double-queuing spaces.

Mr. Halliburton asked if the handicap parking space could be moved to the northwestern part of the site even though some of the landscaping would be eliminated. He said the current handicap parking space seems to be located farther away from the walk-up area.

Mr. Whitaker said the northwestern part of the side is an accessible sidewalk area for walk-ups. He said you typically don't isolate the handicap spaces but try to install them as close as possible for convenience. He said the applicants are trying to squeeze the drive-thru into a very small site so this would be a self-created hardship. Staff wants the Sonic to have good flow with appropriate queuing spaces without blocking cars as it creates a long-term problem for the City if it is not done correctly.

Chairman Rodgers asked if the spaces on the north side are a nonconforming use even though they extend into the setback.

Mr. Whitaker said he does not think so adding you don't want a building built with the queuing spaces being visual from the public right-of-way. He said that part of it has to do with aesthetics. He said they like to get the queuing spaces to the side and around to the back of the building.

Chairman Rodgers verified that 60 degree parking spaces are allowed in the right-of-way.

Mr. Whitaker said yes, adding the degree of the parking spaces require a wider angle when you back out or a wider space. He said the applicant is asking for a lot of variances to obtain this drive-thru. Staff conveyed that to the applicant when he made the request.

Mr. Mann referred to the accessible space issue and City Staff understood where they were going to be and no one said there would be a problem. He said this is the first he

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has heard about other issues. He knew the two additional variances were needed and understood the reasoning and rationale behind it. Mr. Mann said he found out about the issue with the setback when he met with the Planning Staff and discussed the project. He said Staff did not mention anything about requiring a variance for the handicap space. Mr. Mann said they could move the handicap space to the front like they have done at other Sonics. He said the ramp would also need to be moved. He said there is not a place located indoors that someone goes to order as they would just be going to the patio. Mr. Mann said some of the landscaping would need to be relocated as well which would not be a problem.

Chairman Rodgers opened the public hearing. There being no one to speak for or against the request, Chairman Rodgers closed the public hearing.

Vice-Chair Young referred to Mr. Whitaker's comments pertaining to the width of the aisle and getting around as well as the handicap spot. He asked if moving the handicap spot would alleviate some of the concerns or is it the pinch point where someone tries to back out causing the major concerns. He asked if Mr. Mann's offer to move the handicap would help the situation.

Mr. Whitaker said they may be able to relocate the handicap space but whoever parks there is still going to be locked in as they queue around the building. He said the City is not against them promoting their business and added if the applicant came in today with this plan on this same size lot, the City would not consider the drive-thru because it is too tight. He said the applicants don't meet the requirements. They are adding an element that has possible ramifications of congestion, backing out of the spaces. He said the modifications to the site would not comply with the current Zoning Ordinance by not having adequate by-pass lanes. If one person doesn't hug the lane, then it blocks everybody from getting around and getting out. The City learned some hard lessons and that is why they try to stick to their guns on allowing the queuing spaces width.

Vice-Chair Young asked if people have called the City about other places in Murfreesboro with drive-thrus saying that site isn't functioning correctly.

Mr. Whitaker said what happens, the cars end up backing out into the main thoroughfare and that is when the City gets involved. He said there are a couple of places that come to mind located on Old Fort Parkway where they experience that on a daily basis. He said they take a hard look at queuing spaces since that happened. He is glad they have a great business but it sure causes a lot of problems on the access road. He said they run into all kinds of problems with queuing spaces. He said the drive-thrus at newer Sonic sites seem to be working great. He said City Staff pulled up the Sonic located on Lascassas Highway as a comparison and said it was a lot larger compared to the subject lot.

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Chairman Rodgers verified the Sonic on Lascassas Highway has a drive-thru.

Mr. Whitaker said yes, adding the Lascassas location has a larger lot for by-pass lanes and for people to back out of.

Mr. Anthony said if queuing stopped at the point shown on the site plan, four parking spaces on one side and two on the other side would be affected.

Vice-Chair Young said he has swayed from one side to the other understanding the issues for the applicant and trying to work their way through it. He said Sonic has a vested interest in making this flow appropriately as they don't want customers stuck. He said as long as Sonic makes plans to work through the drive-thru issues he thinks they would be ok. On the other hand, he said the City has seen issues come up at other locations and that is the reason for the rules in the Zoning Ordinance. Vice-Chair Young said he is ok with the first variance request which prohibits drive-thru lanes from being located in a required front yard but is having trouble accepting the other two variances that affect the queuing on this site.

Ms. Mosby said the possibility of not being able to back out of a space because it is blocked concerns her.

Mr. Halliburton said Mr. Dietz made some good points about the backing-up thing. He said specifically at a Sonic, you pay more attention when you back out so he is kind of ok with the fact that the lane is a smaller width. He thinks you will still pay greater attention backing out on the south side. He complimented Sonic for having a program in place to manage the queuing piece. He said this is a tough request because he can't imagine blocking parking spaces if the queuing line backed up into the stall areas.

Ms. King said it just doesn't look like it would take that many more cars beyond what's intended to block all of the parking stalls on the north side of the drive-thru and become problematic. She is familiar with the Smyrna Sonic and remembers when that drive-thru was installed. She said it seems to work ok but it gets backed-up and blocks the spaces in a similar way that could effect this site. She said it is disconcerting to her especially when there is not a good space for those cars to go if they get backed up all the way to the road. Ms. King agreed with Vice-Chair Young the setback request was not a concern.

**Vice-Chair Young made a motion to approve a variance from Section 26(D)(1) of the Murfreesboro Zoning Ordinance, which prohibits drive-thru lanes from being located in a required front yard. The motion was seconded by Mr. Halliburton and carried unanimously in favor.**

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Mr. Halliburton asked if this variance could be subject to this owner if the BZA approves this request. He said if they can make argument that the owner has a manageable process in place, can the BZA stipulate that this variance would be only for this owner and this operation. He compared the condition to if someone is going to have a mother-in-law suite at a house type deal.

Mr. Ives said it would have to continue the same business approach regardless of who the owner might be if they kept the same drive-in and drive-thru system in the same building.

Mr. Halliburton asked if the variance were approved and the City say it was not working, could the variance then be revoked. He asked if this could be placed as a condition of approval.

Vice-Chair Young pointed out the applicant the reconstruction would have taken place by that point.

Mr. Halliburton said the applicants would understand the ramifications.

Ms. King added it would be a risk the applicants would be willing to take.

Mr. Halliburton agreed.

Mr. Ives said they have never done that.

Ms. King asked what the parking requirements are for a business of this nature. She asked if the drive-thru could possibly be reconfigured to expand into the employee parking area.

Mr. Mann said reconfiguring the site would require a lot more modifications. He said they were trying to minimally modify what they were doing.

Ms. King said as far as the need for additional parking in the back, would he be able to do that. She understands the modifications would require additional expense and also realizes businesses try to get things done as efficiently as possible.

Mr. Anthony referred to Ms. King's earlier question regarding the parking requirements for this type of restaurant. He said the parking requirements for a "drive-in" restaurant is 1 for each 100 square feet of floor area or 1 for 2 seats provided on the premises, whichever is greater. He said he does not know the floor area on this site.

Mr. Mann said they calculated the required parking spaces to be 16 spaces + 1 handicap space. He said they are actually providing 28 spaces + 2 handicap spaces.

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Vice-Chair Young asked if Mr. Mann if the parking included in the parking stalls along with parking along the rear of the property.

Mr. Mann said yes.

Vice-Chair Young referred to the 9 parking spaces shown on the side of the building where the handicap space is located. He suggested those 9 spaces be removed, increase the width of driveway isle, moving it closer to the building and add more queuing spaces. He said this would eliminate parking stalls from being blocked by the queuing lane.

Mr. Mann said they could take the handicap space and move it to another place.

Ms. King referred to additional spaces located at the back of the site that aren't covered and asked if there was any way to remove a few of those, move the drive-thru lane toward the east.

Mr. Mann said a trash enclosure would need to be relocated. He said that would entail a lot more things to do.

Chairman Rodgers said this is the most the BZA has struggled with an application in a long time. He said the Board is in a position where they want to help and it is certainly not a big deal to add a drive-thru window but they are bound by the ordinances and regulations. Chairman Rodgers said the City Planning Director came before them today explaining why this should not be approved. He said they would like to look at other possibilities thoroughly, although it may create some difficulties. Chairman Rodgers said right now they feel like they are trying to cram a round peg through a square hole. He said if there are other possibilities that exists out there to make this easier and more palatable for the City and for the BZA they would be glad to defer it and have the applicant look at it a little bit harder to see if there is something else you can work out. Chairman Rodgers said if the applicant wants the BZA to continue today, they will.

Mr. Mann referred that question to Mr. Dietz.

Mr. Dietz said he appreciates the concerns and the Board members struggling to figure out other ways to make this application work. He said there would not be a problem relocating the handicap space to the other end. Mr. Dietz said the drive-thru is so important in today's business so they would eliminate a parking stall or two on that side. He said they have several Sonic locations and their business is spread out and never has queued up like they are showing on the plans. He said a lot of that has to do with the way they service it. Mr. Dietz said they will do whatever they can to make this happen and moving that handicap space is the first thing they should do anyway. He said also

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eliminating a stall or two would eliminate the backing out down a stall or two. Mr. Dietz said as far as trying to reconfigure, he was not sure what they could do.

Chairman Rodgers said eliminating a few of the stalls might be fair. He said that is the kind of reconfiguration, something simple like that may solve the problem. He asked Mr. Dietz if it were critical for him to get an answer today.

Mr. Dietz said no.

Chairman Rodgers asked if a decision can be made within 30 days and maybe bring back a plan that would eliminates the two parking stalls and extends that que out two more spaces. He said the variance for the drive-thru has already been approved. He said now they are talking about the queuing up issue in the lane itself.

Ms. King added and the space between them.

Mr. Whitaker said City Staff would be happy to review another concept and view it on its merits.

All Board members agreed with Chairman Rodgers and determined a motion would be need to defer the other two variance requests.

**Ms. King made a motion to defer a variance from Chart 4 of the Murfreesboro Zoning Ordinance, which requires a carry-out restaurant to have a minimum of ten (10) queuing spaces. The motion was seconded by Vice-Chair Young and carried unanimously to defer.**

**Ms. King made a motion to defer a variance from Chart 3 of the Murfreesboro Zoning Ordinance, which requires drive aisles adjacent to sixty (60) degree parking spaces to have a minimum width of eighteen (18) feet. The motion was seconded by Mr. Halliburton and carried unanimously to defer.**

*Variance and Special Use Permit Request*

**Application Z-16-019 by Mike Nunley representing Rutherford County Government**, making the following requests for property in the Medical-Residential (CM-R) district located at 604 East Burton Street and 611 East Lytle Street:

- 1) A Special Use Permit to allow a Public Building in the CM-R district; and
- 2) A five (5) parking space Variance from Chart 4 (Required Off-Street Parking and Queuing Spaces by Use) of the Murfreesboro Zoning Ordinance, which requires one (1) parking space for every 250 square feet of floor area.

BZA Minutes  
Regular Meeting  
March 23, 2016

Mr. Anthony reviewed the application and the Staff comments contained in the BZA agenda package. He said two separate motions are needed.

Ms. King asked how many parking spaces are currently located on the lot.

Mr. Anthony deferred that question to the applicant.

Mr. Anthony Mangrum with Kline Swinney & Associates, the architect affiliated with the project, came to the podium. He said there are currently twelve spaces on the site.

Ms. King said that is the same number of spaces planned.

Mr. Mangrum said yes.

Mr. Anthony showed the aerial photograph and pointed out the parking. He said there were some spaces that backed out onto East Burton Street and people can pull in from East Burton leaving cars to park wherever space is available.

There was talk about the ingress and egress off East Burton and University Streets.

Mr. Ives verified the building is a “drive-thru” building.

Mr. Mangrum said yes.

Mr. Ives verified no matter which direction they come into, they can exit out the other direction.

Mr. Mangrum said yes.

Chairman Rodgers opened the public hearing. There being no one to speak for or against the request, Chairman Rodgers closed the public hearing.

**Ms. Mosby made a motion to approve a Special Use Permit to allow a public building in the CM-R district. The motion was seconded by Mr. Halliburton and carried unanimously in favor.**

**Vice-Chair Young made a motion to approve a five (5) parking space Variance from Chart 4 (Required Off-Street Parking and Queuing Spaces by Use) of the Murfreesboro Zoning Ordinance, which requires one (1) parking space for every 250 square feet of floor area. The motion was seconded by Ms. King and carried unanimously in favor.**

BZA Minutes  
Regular Meeting  
March 23, 2016

*Special Use Permit Requests*

**Application Z-16-020 by Chrissy Clevenger**, requesting a Special Use Permit to operate a Temporary Outdoor Vending Establishment (Food Sales) on property in the Highway Commercial (CH) district located at 1911 Old Fort Parkway.

Mr. Anthony reviewed the application and the Staff comments contained in the BZA agenda package. If the Board approves the request, Staff recommends the following conditions:

- 1) The applicant shall apply for an electrical safety inspection prior to beginning operation. An electrical permit shall be purchased from the Building and Codes Department in order to obtain this inspection.
- 2) The time period of operation will be from April 30, 2016, until August 31, 2016.

Ms. Clevenger was present to answer questions.

Chairman Rodgers opened the public hearing. There being no one to speak for or against the request, Chairman Rodgers closed the public hearing.

**Ms. King made a motion to approve a Special Use Permit to operate a Temporary Outdoor Vending Establishment (Food Sales) on property in the Highway Commercial (CH) district located at 1911 Old Fort Parkway with the following conditions:**

- 1) The applicant shall apply for an electrical safety inspection prior to beginning operation. An electrical permit shall be purchased from the Building and Codes Department in order to obtain this inspection.**
- 2) The time period of operation will be from April 30, 2016, until August 31, 2016.**

**The motion was seconded by Mr. Halliburton and carried unanimously in favor.**

**Application Z-16-021 by Aaron Blankenship of Ole South Patriotic Inc.**, requesting a Special Use Permit to operate a Temporary Outdoor Vending Establishment (Fireworks Seasonal Retailer) on property in the Highway Commercial (CH) district located at 3060 South Church Street.

Mr. Anthony reviewed the application and the Staff comments contained in the BZA agenda package. If the Board approves the request, Staff recommends the following conditions:

- 1) The applicant shall submit certification that the tent is flame-resistant or treated to be flame-resistant.
- 2) A fire extinguisher shall be kept on-site at all times.
- 3) The City's fireworks ordinance shall be posted on-site.

- 4) Fireworks shall not be set off on-site.
- 5) The applicant shall apply for and pass an electrical safety inspection prior to opening for business. An electrical permit shall be purchased from the Building and Codes Department in order to obtain this inspection.
- 6) The tent shall meet all minimum building setback requirements for the CH zoning district, and a tent permit shall be obtained for the tent.
- 7) One Type III barricade shall be installed to the west of the tent, and one shall be installed to the north of the proposed tent adjacent to the main entrance drive for the shopping center. The barricades shall remain in place for the duration of the selling season.
- 8) The area around the tent shall be cordoned off, as shown on the site plan.

Mr. Blankenship was present to answer questions.

Chairman Rodgers opened the public hearing. There being no one to speak for or against the request, Chairman Rodgers closed the public hearing.

**Ms. Mosby made a motion to approve a Special Use Permit to operate a Temporary Outdoor Vending Establishment (Fireworks Seasonal Retailer) on property in the Highway Commercial (CH) district located at 3060 South Church Street with the following conditions:**

- 1) **The applicant shall submit certification that the tent is flame-resistant or treated to be flame-resistant.**
- 2) **A fire extinguisher shall be kept on-site at all times.**
- 3) **The City's fireworks ordinance shall be posted on-site.**
- 4) **Fireworks shall not be set off on-site.**
- 5) **The applicant shall apply for and pass an electrical safety inspection prior to opening for business. An electrical permit shall be purchased from the Building and Codes Department in order to obtain this inspection.**
- 6) **The tent shall meet all minimum building setback requirements for the CH zoning district, and a tent permit shall be obtained for the tent.**
- 7) **One Type III barricade shall be installed to the west of the tent, and one shall be installed to the north of the proposed tent adjacent to the main entrance drive for the shopping center. The barricades shall remain in place for the duration of the selling season.**
- 8) **The area around the tent shall be cordoned off, as shown on the site plan.**

**The motion was seconded by Vice-Chair Young and carried unanimously in favor.**

**Application Z-16-022 by Alan Gauger of Xtreme Fireworks, requesting a Special Use Permit to operate a Temporary Outdoor Vending Establishment (Fireworks Seasonal Retailer) on property in the Heavy Industrial (H-I) district located at 1945 Northwest Broad Street.**

Mr. Anthony reviewed the application and the Staff comments contained in the BZA agenda package. If the Board approves the request, Staff recommends the following conditions:

- 1) The applicant shall submit certification that the tent is flame-resistant or treated to be flame-resistant.
- 2) A fire extinguisher shall be kept on-site at all times.
- 3) The City's fireworks ordinance shall be posted on-site.
- 4) Fireworks shall not be set off on-site.
- 5) The applicant shall apply for and pass an electrical safety inspection prior to opening for business. An electrical permit shall be purchased from the Building and Codes Department in order to obtain this inspection.
- 6) The tent shall meet all minimum building setback requirements for the H-I zoning district, and a tent permit shall be obtained for the tent.
- 7) Vehicular access to North Thompson Lane shall not be allowed.
- 8) One (1) "Type III barricade", as well as an adequate number of 3'-tall traffic cones, shall be in place for the duration of the selling season along the Northwest Broad Street frontage of the subject property near the intersection with North Thompson Lane.
- 9) Prior to erecting the tent, the applicant shall have the water line that is located on the subject property field-located. No tent stakes shall be allowed within 10' of the marked water line.

The applicant was present to answer questions.

Chairman Rodgers opened the public hearing. There being no one to speak for or against the request, Chairman Rodgers closed the public hearing.

**Vice-Chair Young made a motion to approve a Special Use Permit to operate a Temporary Outdoor Vending Establishment (Fireworks Seasonal Retailer) on property in the Heavy Industrial (H-I) district located at 1945 Northwest Broad Street with the following conditions:**

- 1) The applicant shall submit certification that the tent is flame-resistant or treated to be flame-resistant.**
- 2) A fire extinguisher shall be kept on-site at all times.**
- 3) The City's fireworks ordinance shall be posted on-site.**
- 4) Fireworks shall not be set off on-site.**
- 5) The applicant shall apply for and pass an electrical safety inspection prior to opening for business. An electrical permit shall be purchased from the Building and Codes Department in order to obtain this inspection.**
- 6) The tent shall meet all minimum building setback requirements for the H-I zoning district, and a tent permit shall be obtained for the tent.**
- 7) Vehicular access to North Thompson Lane shall not be allowed.**

- 8) **One (1) “Type III barricade”, as well as an adequate number of 3’-tall traffic cones, shall be in place for the duration of the selling season along the Northwest Broad Street frontage of the subject property near the intersection with North Thompson Lane.**
- 9) **Prior to erecting the tent, the applicant shall have the water line that is located on the subject property field-located. No tent stakes shall be allowed within 10’ of the marked water line.**

**The motion was seconded by Mr. Halliburton and carried unanimously in favor.**

*Staff Reports and Other Business*

Vice-Chair Young announced today was Chairman Rodgers last day serving on the Board of Zoning Appeals.

Mr. Anthony said on behalf of the Planning Department, it has been a pleasure and honor to work with Chairman Rodgers on the Board of Zoning Appeals and wished him the very best.

Chairman Rodgers said he has been on the Board of Zoning Appeals since 1999 and considered it a pleasure to serve. He said over the years he has served with three Mayors, several City Councilmen, City Staff and Board Members that all took their jobs seriously and treated all the applicants with respect.

Mr. Ives thanked Chairman Rodgers for his work and service to the City. He enjoyed working with him and getting to know him, appreciates what he has done, the time spent given to everyone. Mr. Ives wished him well.

The meeting adjourned at 2:20 P.M.

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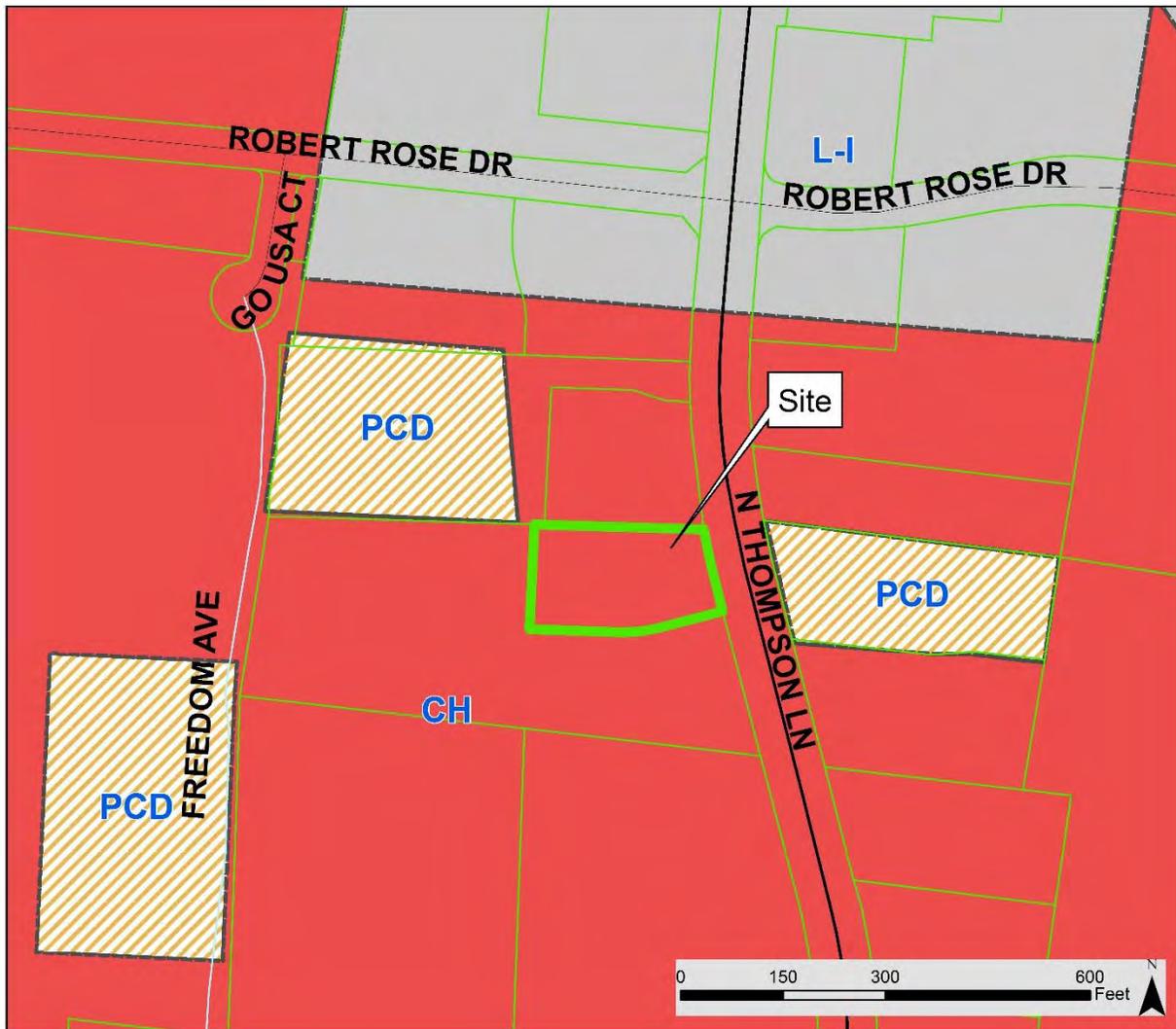
CHAIRMAN

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SECRETARY

**MURFREESBORO BOARD OF ZONING APPEALS  
STAFF REPORT  
APRIL 27, 2016**

**Application:** S-16-023  
**Location:** 229 North Thompson Lane  
**Applicant:** Betsy Shackelford of Premier Sign Company representing Slim Chickens  
**Zoning:** Highway Commercial (CH) District  
**Request:** A Variance from Section 25¼-26(A)(22) of the Murfreesboro Sign Ordinance, which prohibits a sign from being placed in or over a public utility or drainage easement



The applicant, Betsy Taylor with Premier Signs representing Slim Chickens, is requesting a variance from Section 25 ¼-24 (A)(22) of the City of Murfreesboro Sign Ordinance which prohibits a foundation or signs placed in or over a public utility or drainage easement without consent of the easement holder and approval from the Board of Zoning Appeals. The proposed sign is located at 229 N. Thompson Lane and is within the GDO-1 overlay.

The applicant is requesting permission to erect one (1) externally illuminated, 48 sq. ft. display area freestanding wall sign with push-thru style illumination and an overall height of 8'2". The sign will be located within a 42' Public Utility and Drainage Easement.

The Agreement for a Sign in a City of Murfreesboro Easement has been signed by the Murfreesboro Water and Sewer Department, Murfreesboro Electric Department, the Director of Building and Codes and the City Engineer. An agreement for a sign in an easement letter has also been submitted from Atmos Energy and AT&T.

Due to the sensitivity of placement of the sign in regards to utility lines, staff requires that the sign be located on site by a Tennessee registered Engineer or Surveyor and that a form for Certification of Sign Placement be provided prior to permitting.

The applicant will comply with all other setbacks and regulations.

**CITY OF MURFREESBORO  
APPLICATION FOR SIGN VARIANCE**

No: \_\_\_\_\_

This application for a variance from the Murfreesboro Sign Ordinance may not be filed unless all items on the Application have been completed, attachments submitted, and the fee paid. The Applicant must read carefully the Summary of Code Provisions and Rules of Procedure for the Board of Zoning Appeals and follow these guidelines.

Applicant: Betsy Shackelford for Premier Sign Co dba Tristar Transport  
Address & Phone #: 1720 Ed Temple Blvd, Nashville TN 37208  
Owner of sign: Stim Chickens  
Address & Phone #: 229 N. Thompson Lane, Murfreesboro, TN 37129  
Person erecting/affixing sign: Tristar Transport  
Address & Phone #: 1720 Ed Temple Blvd, Nashville, TN 37208  
Location of building or lot on which sign is to be erected: Stim Chickens 229 N. Thompson Lane, Murfreesboro, TN 37129  
Variance(s) requested - describe specific relief sought, with code section(s):  
We wish to erect a sign in an easement.

A blueprint \_\_\_\_\_, or ink drawing \_\_\_\_\_, or photo  of the sign is attached to this application.

This variance has been requested and denied within the past year. Yes \_\_\_\_\_ No   
If yes, new evidence and/or changed conditions are: \_\_\_\_\_

Betsy Shackelford  
Applicant's Name (Print)

Betsy Shackelford  
Applicant's Signature

**OWNER'S CONSENT**

I own the property, building or structure on which the sign is to be erected or affixed and I consent to the filling of this application.

SC Springfield Group LLC  
Name of Owner

95527 W. Amherst Ave  
Address Dallas TX 75209

[Signature]  
Owner's Signature  
972 310 9779  
Phone #

Received by: B. DAVIS  
Date: 3-8-17

Make Check Payable to: "City of Murfreesboro"

Filing Fee: \$250.00  
Paid: Cash \_\_\_\_\_ Check No X  
Receipt No: 22731

**APPLICANT'S JUSTIFICATION FOR SIGN VARIANCE**

No: \_\_\_\_\_ Location: 229 N. Thompson Lane

The Board of Zoning Appeals may grant a variance from the Sign Ordinance only if strict application of the Sign Ordinance will result in peculiar and exceptional practical difficulties or undue hardship upon the owner of property and if granting the variance will not result in substantial detriment to the public good and will not substantially impair the intent and purpose of the Sign Ordinance, Zone Plan and the Zoning Ordinance. The Applicant must present evidence to the Board of Zoning Appeals on each of the following conditions and must outline its justification as to each condition below. The justification provided must be sufficient for the Building Official to determine that each of the requirements of the ordinance might be met by the Applicant. If necessary, attach additional sheets to list of relevant facts. If the justification is not stated or is inaccurate or is insufficient as a matter of law, the Application may be denied by the Building Official prior to any hearing before the Board of Zoning Appeals. The Applicant will be informed of any such denial.

The peculiar and exceptional practical difficulties or exceptional, undue or unusual hardships justifying a variance are: There is a public utility Easement which spans the entire front of the property on Thompson Lane

That these conditions are not generally applicable to other property in the same zoning district is shown by: The conditions are applicable to other property owners.

That these conditions are not general or widespread or financial alone is shown by: There are no financial hardships, it is a safety issue for visibility of the sign.

That these difficulties or hardships have not been created by any person having an interest in the property after 1990 is proven by: They have not

That the variance will not increase the danger of fire or endanger the public safety is proven by: There is not a fire hazard

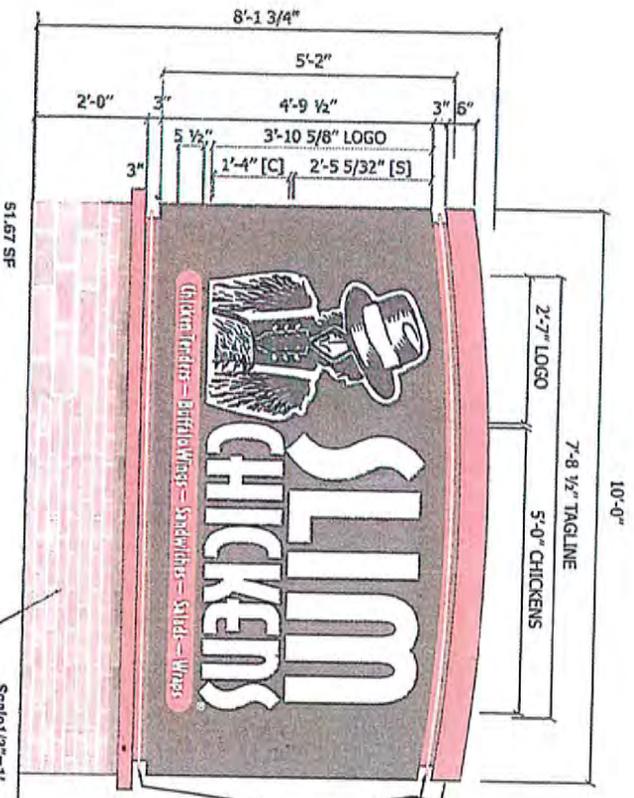
Betsy Shackelford  
Applicant's Name (Print)

Betsy Shackelford  
Applicant's Signature

**Monument Sign**

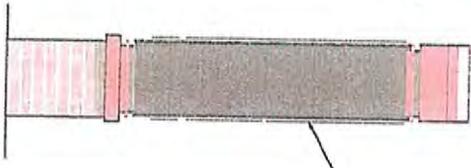
97"

CABINET FACE AND RETURNS PAINTED MATTHEWS BLACK SEMI-GLOSS FINISH  
ALUMINUM TUBE FRAME CONSTRUCTION  
ALL HARDWARE MUST BE NON-CORROSIVE



RADIUS TOPPER  
3" REVEAL PAINTED TO MATCH PMS 186 RED  
WITH RED US LED CONTOUR ACCENT

1" x 2" ALUMINUM TUBE FRAME  
ROUTED .125 ALUMINUM FACE  
PAINTED MATTHEWS BLACK  
SATIN FINISH  
[1] FACE REMOVABLE FOR SERVICE  
COUNTERSUNK SCREWS PAINTED BLACK



3/4" PROTECTION ROUTED  
PUSHED THROUGH LETTERS,  
LOGO AND TAGLINE

51.67 SF  
PMS 186 RED  
VINYL: AVERY A9340-T  
PAINT: MATTHEWS MP7463

INTEGRATED MASONRY- BRICK VENEER  
PAINTED ALUMINUM SILL PAINTED TO MATCH  
INTERIOR: DIRECT EMBEDDED SINGLE POLE

SIDE VIEW ~ 1/2" = 1'-0"  
OSRAM DOUBLE FACED BOX  
LED MODULES DS 6500K WHITE  
ON MOUNTING TRACKS  
OSRAM OT96W/24V/INW POWER SUPPLIES



410 N. Cedar Bluff Rd. - Suite 101 - Knoxville, TN 37923  
Tel: (615) 659-1100 - Fax: (615) 659-1100 - Toll Free: (800) 296-1205

Customer Approval:

Signature: \_\_\_\_\_  
Date: \_\_\_\_\_

Read these instructions carefully before installation. The sign is made of aluminum and is designed for outdoor use. It is not to be used in areas of high humidity or salt air. The sign is not to be used in areas of high wind or heavy snow. The sign is not to be used in areas of high temperature or high humidity. The sign is not to be used in areas of high humidity or salt air. The sign is not to be used in areas of high wind or heavy snow. The sign is not to be used in areas of high temperature or high humidity.

OSRAM Double Faced Box LED Modules DS 6500K White on Mounting Tracks OSRAM OT96W/24V/INW Power Supplies

Order No.	Order Date	Order Description	Order Status
102-27-16	02-27-16	Sign Chickens	AS NOTED
102-27-16	02-27-16	Sign Chickens	AS NOTED



City of Murfreesboro

Agreement for a Sign in City Easement

Name of Owner: R+B Partnerships
Name of Development: Slim Chickens
Address: 229 N. Thompson Lane, Murfreesboro, TN 37129
Plat Book: 38 Page: 295 Lot: 1
Easement: Sanitary Sewer [X] Water: [ ] Drainage: [X] Utility: [X]
Location of Easement: front of property

The owner hereby requests permission to place a sign in the above referenced dedicated easement. Owner understands and agrees that the City of Murfreesboro may limit the size and height of the sign as a condition of giving permission to place a sign within a dedicated easement. Owner acknowledges that any permission given by City to Owner to place a sign in a dedicated easement does not waive or modify the City of Murfreesboro's rights as the easement holder. Owner understands and agrees that the City of Murfreesboro, or its authorized contractor, may at any time and for any reason perform work within the dedicated easement and that the City shall have no liability to Owner for any damage to the sign in the easement. Owner may be held responsible for the removal of the sign to enable work to be done by City. Owner shall be solely responsible for any costs incurred in repairing or replacing the sign. Owner understands that the City of Murfreesboro reserves the right to limit or to totally withdraw this permission to place a sign within a dedicated easement if such sign is impairing drainage, or interfering with the City's use of the easement, or for any other appropriate reason. If this permission is withdrawn, Owner will be responsible for finding an alternate location for the sign which complies with the City of Murfreesboro's ordinances. Owner shall inform any successor Owner of the terms and conditions of this Agreement.

Owner's Signature [Signature] Title: Manager Date: 3/1/16

The City of Murfreesboro hereby grants R+B Partnership permission to place a sign 8 1/4 ft. in height, 48 square feet in area, within its easement at this location subject to these terms and conditions.

CITY OF MURFREESBORO

By: [Signature] Chief Building Official or designee

Date: [Blank]

By: [Signature] Director of MED or designee

Date: 3/1/2016

By: [Signature] City Engineer or designee

Date: 3-8-16

By: [Signature] Director of Water & Sewer or designee

Date: 3/1/16

This Agreement must be signed by the Chief Building Official or designee. For a water or sanitary sewer easement, this Agreement must be signed by the Director of Water and Sewer Department or designee. For drainage easement, this Agreement must also be signed by the City Engineer or designee. For a utility easement, this Agreement must be signed by the MED Director of designee.



March 3, 2016

Betsy Shackelford  
premieresign@tristarttransport.com  
Premier Sign Company  
1720 Ed Temple Blvd  
Nashville, TN 37208

RE: Sign Variance  
Slim Chickens  
225 N. Thompson Lane  
Murfreesboro, TN 37129

Betsy,

This letter is to approve the installation of a sign by Premier Sign Company within the utility easements on N. Thompson Lane. Atmos Energy has a two inch pe gas main located approximately four feet off the curb along N. Thompson Lane (possibly under the sidewalk). We do not anticipate any conflict with the location of our gas main.

Please make sure you make your locate request to TN811 before you dig.

If you have any questions, you can reach me at 615-890-6749 extension 2206.

Regards,

A handwritten signature in cursive script that reads "Jerry Burke".

Jerry Burke  
Project Specialist  
Atmos Energy  
334 West Lokey Avenue  
Murfreesboro, TN 37130  
jerry.burke@atmosenergy.com



*March 8, 2016*

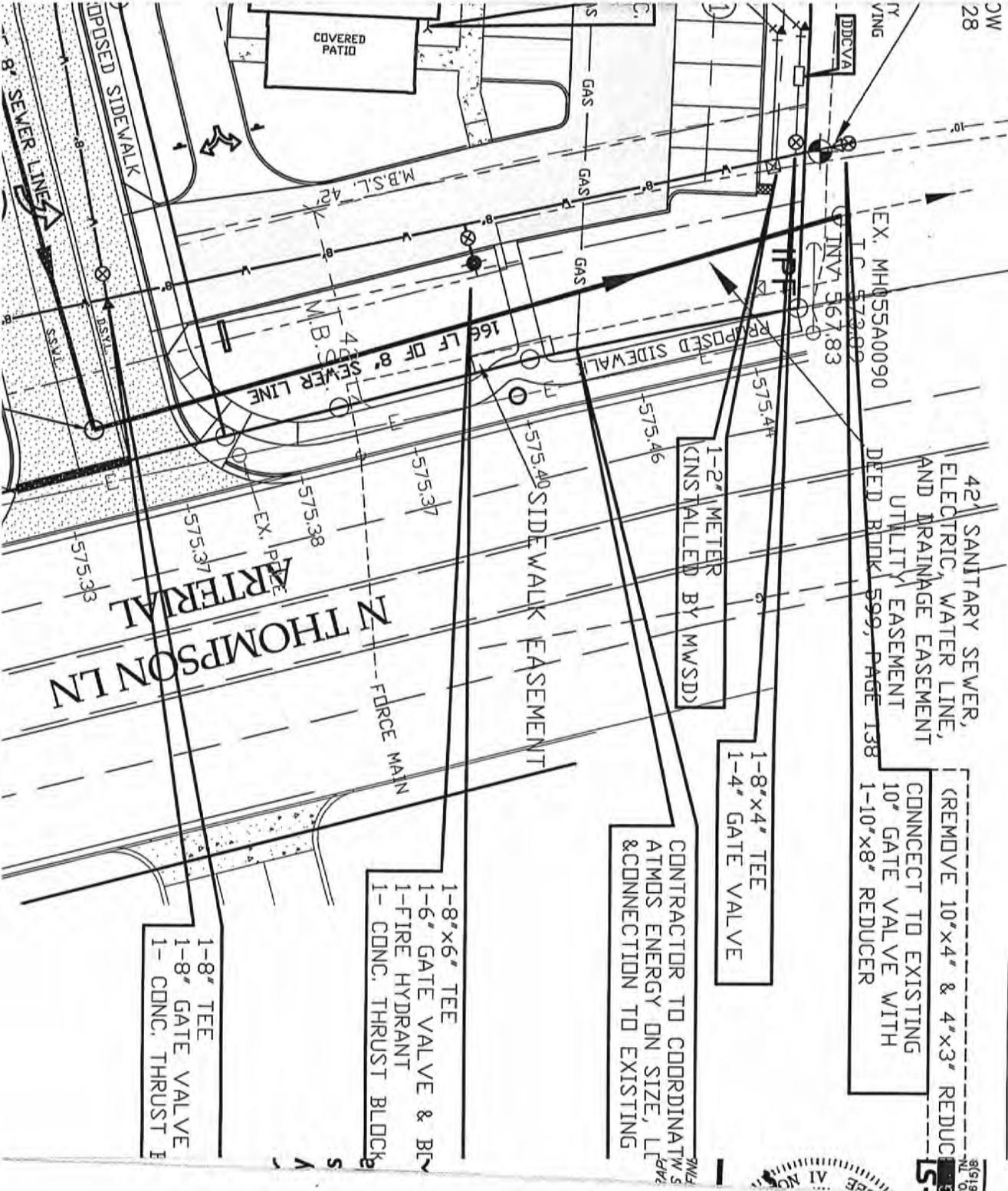
*To whom it may concern,*

*This letter is in reference to the sign approval process currently underway at Slim Chickens located at 229 North Thompson Lane in Murfreesboro TN. After a site visit on March 7, 2016 AT&T has no objections with the placement of your new sign. We ask that you call 811 to have all facilities located before any excavation work is performed. If you need any further assistance please feel free to contact me.*

*Thanks in advance,*

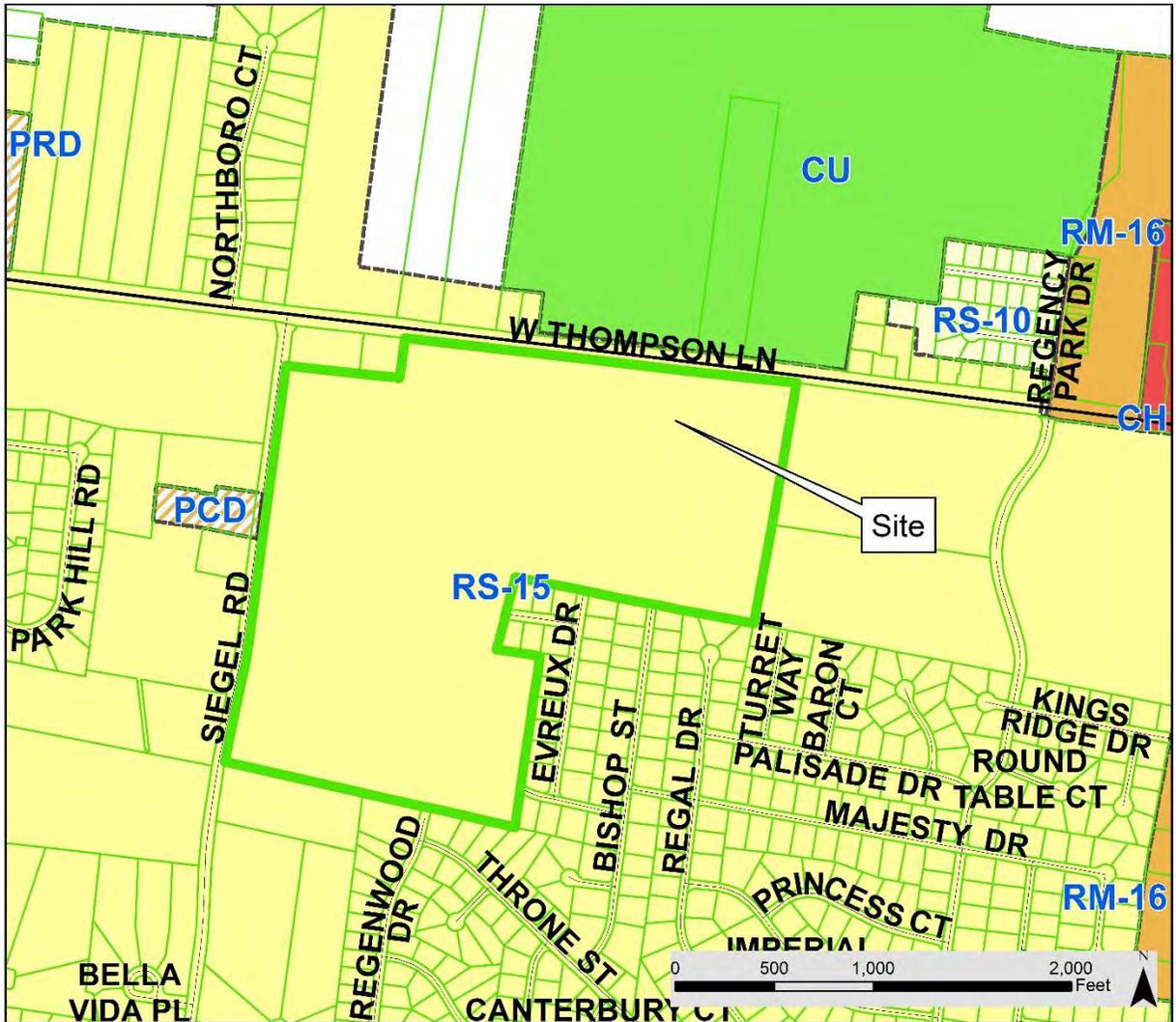
A handwritten signature in black ink that reads "Jama Abed".

*Jama Abed  
AT&T Outside Plant Design  
116 S. Cannon Ave.  
Murfreesboro, TN 37129  
T: 615-867-1697*



**MURFREESBORO BOARD OF ZONING APPEALS  
STAFF REPORT  
APRIL 27, 2016**

**Application:** S-16-024  
**Location:** 355 West Thompson Lane  
**Applicant:** Kim Stoecker of Rutherford County Schools  
**Zoning:** Single-Family Residential (RS-15) District  
**Request:** A Variance from Section 25¼-24(C)(1) of the Murfreesboro Sign Ordinance, which prohibits internally-illuminated wall signs in a residential district



The Applicant, Kim Stoecker, School Principal representing Siegel Middle School, is requesting a variance from Sections 25¼-26(C)(1)(a)[2] Illumination, of the City of Murfreesboro Sign Ordinance, which allows Freestanding Wall Signs within a residential zone to be non-illuminated or indirectly illuminated.

Siegel Middle School is requesting a sign variance to be allowed to install a 40 sq. ft., internally illuminated Freestanding Wall Sign with manual changeable copy and 7'6" in height, on their property located at 355 W. Thompson Ln.

The property is located on W. Thompson Lane across the street from Tennessee Miller Coliseum and between First United Methodist Church and Siegel High School. The proposed sign would be approximately 750' from any residential housing areas.

All other setbacks and regulations will apply.

**CITY OF MURFREESBORO**  
**APPLICATION FOR SIGN VARIANCE**

No: \_\_\_\_\_

This application for a variance from the Murfreesboro Sign Ordinance may not be filed unless all items on the Application have been completed, attachments submitted, and the fee paid. The Applicant must read carefully the Summary of Code Provisions and Rules of Procedure for the Board of Zoning Appeals and follow these guidelines.

Applicant: Siegel Middle School (Kim Stoecker)  
Address & Phone #: 355 West Thompson Lane 615-904-3830  
Owner of sign: Siegel Middle School  
Address & Phone #: 355 West Thompson Lane 615-904-3830  
Person erecting/affixing sign: Rutherford County Board of Education Maintenance  
Address & Phone #: 2240 Southpark Drive 615-893-5812  
Location of building or lot on which sign is to be erected: Siegel Middle School |  
355 West Thompson Lane  
Variance(s) requested – describe specific relief sought, with code section(s):  
Illumination of a Freestanding Wall sign in a residential zone.  
Section 25'4-26 OnSite Permanent signs

A blueprint \_\_\_\_\_, or ink drawing \_\_\_\_\_, or photo  of the sign is attached to this application.

This variance has been requested and denied within the past year. Yes \_\_\_\_\_ No   
If yes, new evidence and/or changed conditions are: \_\_\_\_\_

Kim Stoecker  
Applicant's Name (Print)

[Signature]  
Applicant's Signature

**OWNER'S CONSENT**

I own the property, building or structure on which the sign is to be erected or affixed and I consent to the filling of this application.

Rutherford County Board of Education \*see attached  
Name of Owner  
2240 South Park Drive  
Address  
615-893-5812  
Phone #

Received by: B. DAVIS  
Date: 4-11-16

Make Check Payable to: "City of Murfreesboro"

Filing Fee: \$250.00  
Paid: Cash \_\_\_\_\_ Check No 29630  
Receipt No: 22737

APPLICANT'S JUSTIFICATION FOR SIGN VARIANCE

No: \_\_\_\_\_

Location: Siegel Middle School 355 West Thompson Lane

The Board of Zoning Appeals may grant a variance from the Sign Ordinance only if strict application of the Sign Ordinance will result in peculiar and exceptional practical difficulties or undue hardship upon the owner of property and if granting the variance will not result in substantial detriment to the public good and will not substantially impair the intent and purpose of the Sign Ordinance, Zone Plan and the Zoning Ordinance. The Applicant must present evidence to the Board of Zoning Appeals on each of the following conditions and must outline its justification as to each condition below. The justification provided must be sufficient for the Building Official to determine that each of the requirements of the ordinance might be met by the Applicant. If necessary, attach additional sheets to list of relevant facts. If the justification is not stated or is inaccurate or is insufficient as a matter of law, the Application may be denied by the Building Official prior to any hearing before the Board of Zoning Appeals. The Applicant will be informed of any such denial.

The peculiar and exceptional practical difficulties or exceptional, undue or unusual hardships justifying a variance are: Illumination of our sign will allow parents and community members access to the information placed on the sign at all times. We use the marquee for general school announcements and for athletic events. (Times & Dates of events) Not allowing illumination results in the sign only being able to be seen during daylight hours. We also use the marquee to announce community events that need to be seen at all times.

That these conditions are not generally applicable to other property in the same zoning district is shown by: I have attached photos of two other schools: Erma Siegel Elementary and Siegel High School that have signs that are almost exactly like our proposed sign and both are internally illuminated. I have also attached a photo of Advance Auto Parts Store that is in the same area that is internally lit. All of the property directly across the street from our sign is owned by MTSU. There are no residences within view of our sign location.

That these conditions are not general or widespread or financial alone is shown by: There is nothing to be gained financially by internally lighting the sign. The sign is used as a means of communication by the school to parents and the community. Allowing internal illumination of the sign will allow access to the information at all times.

That these difficulties or hardships have not been created by any person having an interest in the property after 1990 is proven by: The property is owned by Rutherford County Schools and is a public education facility. Therefore, everyone in the community has an interest in the property, and will benefit from the sign being illuminated at all times.

That the variance will not increase the danger of fire or endanger the public safety is proven by: The construction of the new sign, if allowed to be internally lit, will meet all codes requirements for safety.

Kim Stoecker  
Applicant's Name (Print)

[Signature]  
Applicant's Signature

1 inch equals 140 feet



W. THOMPSON

←  
New Sign  
will replace  
existing  
Sign.

SM

# BROADCAST - B40 • 5'x8' Cabinet



Reference: #128368  
 Sketch #: 4  
 Date: December 16, 2015

## SPECIFICATIONS

Cabinet/Leg: RAL5002 Blue  
 Sign Face: 403W White With  
 462B Blue Outline  
 ID Letters: Digital  
 Draft: 403W White  
 Fonts: Digital  
 Mascot/Symbol: #128368  
 Mascot/Symbol Colors: Digital  
 Other:



Colorful panels are designed to fit into the message area.

### A SIGNS PLUS EXCLUSIVE!

- UNITED WE STAND
- Committed to EXCELLENCE!
- Good things happen to those who TRY.
- We have many other sayings to choose from. Just ask us!

## APPROVAL

DATE

PRINT NAME

SIGNATURE  
 A FAX SIGNATURE IS BINDING UPON BOTH PARTIES

800-848-4262  
 signsplus.com  
 4242 McIntosh Lane, Sarasota, FL 34232



This colored sketch is provided as an example of color. There is no exact match between ink and paint. Signs Plus does not guarantee such. © COPYRIGHT 2015, ALL RIGHTS RESERVED, REPRODUCTION EXPRESSLY PROHIBITED

Reference # 128368 Date 2/5/2015  
Contract # 3 Valid Thru 3/5/2016

Page 1 of 2

**SIGNS PLUS**

4242 McIntosh Lane • Sarasota, FL 34232  
800-848-4262 • Fax 941-378-4062 • email: info@signsplussigns.com

1. MODEL \_\_\_\_\_ B-40  
2. CABINET SIZE \_\_\_\_\_ 5' x 8'  
3. LEG HEIGHT \_\_\_\_\_ 3'  
4. MODIFICATIONS \_\_\_\_\_  
5.  1 SIDED  2 SIDED  
6.  LIT  120V  277V  NON-LIT  
7. CHANGEABLE LETTER SIZE \_\_\_\_\_ 6"  
# LETTERS 534 COLOR Black

8. INSTALLATION  
 Anchor Bolt  Wall Mount  Direct Bury  Brick Brackets

9. SIGN PRICE \_\_\_\_\_ \$ 6380.00

10. VANDAL COVER \_\_\_\_\_ inc.

11. SYMBOL \_\_\_\_\_ inc.

12. PANELS Approved By: \_\_\_\_\_

INSPIRE / MOTO PANEL \_\_\_\_\_

GRAPHIC SQUARE \_\_\_\_\_

13. PHOTO CELL \_\_\_\_\_ inc.

14. STORAGE CASE \_\_\_\_\_ inc.

15. OTHER \_\_\_\_\_

16. CREDIT \_\_\_\_\_

17. SUBTOTAL \_\_\_\_\_ \$ 6380.00

18. INSTALLATION \_\_\_\_\_ BY CUSTOMER

19. FREIGHT \_\_\_\_\_ 1/2 Off Promo. -\$315

20. SALES TAX \_\_\_\_\_ % Exempt with Form

21. TOTAL \_\_\_\_\_ \$ 6995.00

22. DEPOSIT 50 % or PO \_\_\_\_\_ P.O

23. SIGN BALANCE \_\_\_\_\_ P.O

24. SPECIAL INSTRUCTIONS:

Qualifies for "1/2 Off Freight Promo. (per R.K.)  
Freight figure adjusted on quote

**25. BILL TO: (Legal Name of Purchasing Organization)**

NAME Siegel Middle School

ADDRESS 355 West Thompson Ln.

CITY / STATE / ZIP Murfreesboro, TN. 37129

CONTACT Kim Stoecker

TITLE Principal

E-MAIL ADDRESS stoeckerk@rcschools.net

PHONE ( 615 ) 904-3830

**26. SHIP SIGN TO: (For unloading purposes)**

COUNTY TBD

NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

CITY / STATE / ZIP \_\_\_\_\_

SHIPPING NOTIFICATION IS PROVIDED BY E-MAIL:

E-MAIL ADDRESS TBD

CONTACT #1 \_\_\_\_\_ PHONE (\_\_\_\_) \_\_\_\_\_

CONTACT #2 \_\_\_\_\_ PHONE (\_\_\_\_) \_\_\_\_\_

**27. SHIP COMPONENTS TO: (Letters, Anchor Bolts, etc.)**

SAME AS LINE # TBD ABOVE OR COMPLETE BELOW:

BUSINESS ADDRESS  RESIDENTIAL ADDRESS

NAME TBD

ADDRESS \_\_\_\_\_

CITY / STATE / ZIP \_\_\_\_\_

CONTACT \_\_\_\_\_ TITLE \_\_\_\_\_

E-MAIL ADDRESS \_\_\_\_\_

PHONE (\_\_\_\_) \_\_\_\_\_

**FOLLOW THESE EASY STEPS TO ORDER!**

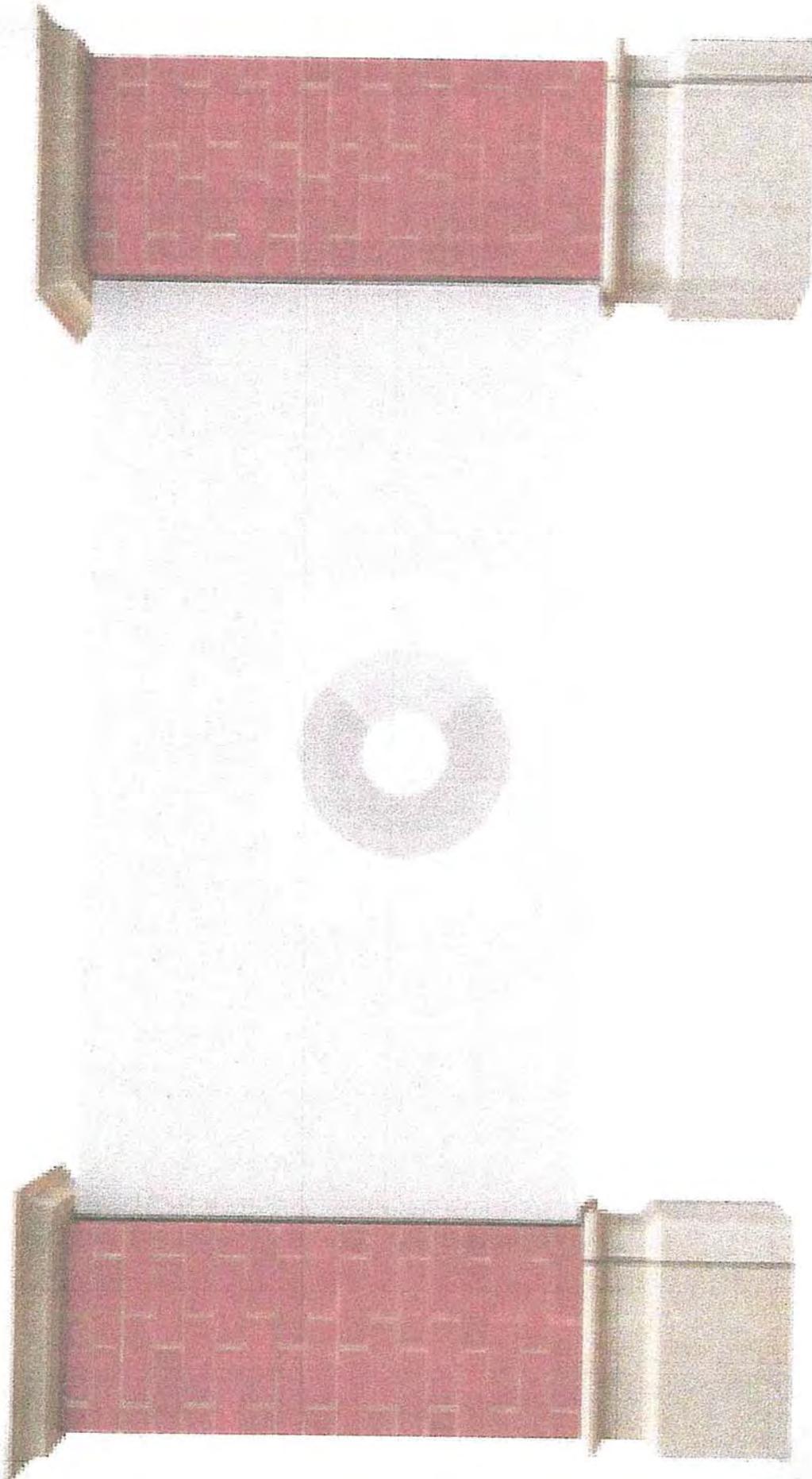
1. Please sign both pages of this contract and your color sketch
2. Enclose your deposit or purchase order ...  
(We also process ACH Payments and accept Visa, MasterCard, Discover and American Express)
3. Enclose your State Sales Tax Exempt Certificate if applicable
4. Provide e-mail address for shipment notification (See #26 & #27)
5. Mail, Fax or Email your order

**28. AUTHORIZED SIGNATURE**

I have read and agree to The Conditions of Sale on Page 2 of this Contract.

X \_\_\_\_\_  
A FAX, EMAIL OR ELECTRONIC SIGNATURE IS BINDING UPON BOTH PARTIES

TITLE \_\_\_\_\_ DATE \_\_\_\_\_

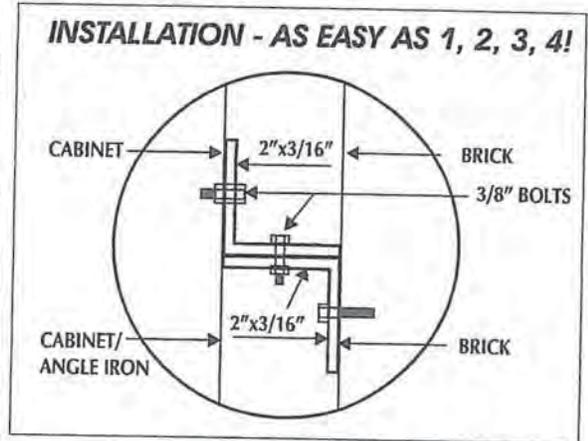


# Brick Mount Installation Instructions

## Preparation:

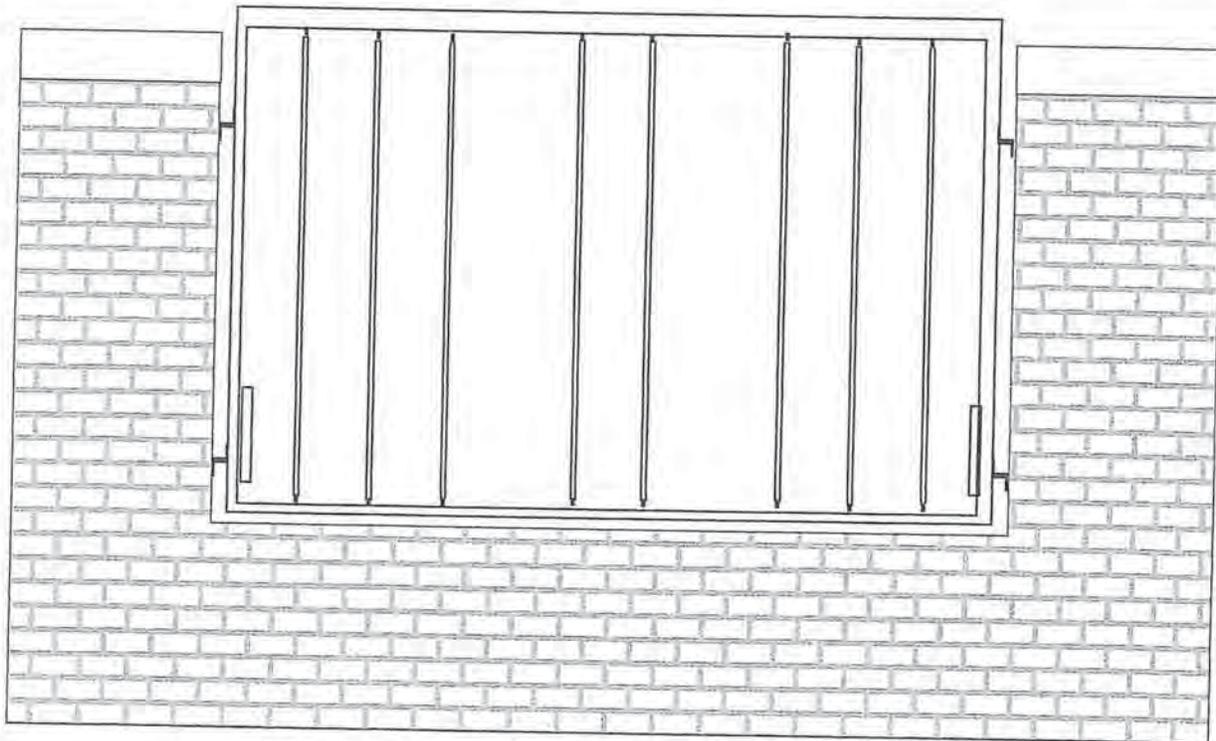
We **STRONGLY** encourage you **NOT** to prepare your brickwork until you have received your new sign. You will gain little advantage by building too early, and will risk the improper alignment of mounting hardware. It is best to wait if at all possible. Don't forget to bring your electrical connection up through the brickwork - on either side of the sign opening for a double faced sign, on the right side when facing the front of a single faced sign (unless other arrangements were made with your SIGNS PLUS representative in advance.)

- 1.) Signs are attached to the foundation using corresponding "L" brackets on the cabinet and brickwork. Set the sign into the opening and mark the location of the "L" brackets against the brick.
- 2.) Attach the matching "L" brackets provided to the brick as established in step 1.
- 3.) Replace the sign cabinet and bolt the two "L" brackets together as illustrated.
- 4.) Clean the sign (as illustrated in your SIGNS PLUS Sign Owners Guide) and touch up any cabinet blemishes with the paint provided (not applicable to mill finish cabinets). Minor sign face scratches are not considered damage if they are not clearly visible from a distance of 20 feet, generally far closer than most passing traffic. **DO NOT USE PAINT TO TOUCH UP SIGN FACES!** (And remember, save this paint for later use! It is difficult to match your color perfectly after the fact.)



Now all you need to do is attach the electrical wires and verify sign function. Most signs are U/L approved so you will have a hot wire, a cold wire and a ground. Be sure all are properly secured and that you have met local restrictions, if any.

Brick opening to be 4-6" larger than outside sign dimension.



**REMEMBER, WE'RE HERE TO HELP YOU!**  
If you have any questions, please contact

**SIGNS PLUS**

1-800-848-4262

~~\* See page 6 for Board Approval of sign~~

**RUTHERFORD COUNTY SCHOOL SYSTEM  
Board of Education Meeting  
2240 Southpark Drive  
Murfreesboro, TN 37128**

**Minutes of March 3, 2016**

**Board Members Present**

**Wayne R. Blair, Chairman**

**Terry Hodge, Vice Chairman**

**Jim Estes**

**Aaron B. Holladay**

**Jeff Jordan**

**Lisa Moore**

**Coy Young**

**Marvin D. Odom, Director of Schools**

**1. CALL TO ORDER**

The Board Chairman called the meeting to order at 5:00 P.M. Keiko Terry and Peyton Turney led the Pledge of Allegiance.

**2. MOMENT OF SILENCE**

The Board Chairman called for a moment of silence.

**3. APPROVAL OF AGENDA**

Motion made by Mr. Holladay, seconded by Mr. Hodge, to approve the agenda as presented.

**Vote: All Yes**

**4. APPROVAL OF CONSENT AGENDA**

**A. Minutes: February 17, 2016  
February 18, 2016  
February 20, 2016**

**B. Community Use of Facilities**

**C. Routine Bids:**

**Bid #3170 – Admin/Teacher Furniture**

**Bid #3171 – Lockers (John Colemon and Roy Waldron)**  
**Bid #3172 – Audio Studio Class Equipment (Stewarts Creek High)**

- D. Health Services Department Contract with CareDox**
- E. Title I Funded Extended Contracts at Smyrna Elementary School**
- F. Title I Funded Extended Contracts at Cedar Grove Elementary School**
- G. Contracts for ASSIST (Academy to Support, Sustain, and Induct Successful Teachers)**
- H. Contracts with Two Additional Teacher Practitioners for the 2016 Summer Conference**
- I. School Salary Supplements and Contract Payments:**

<b>Name</b>	<b>Amount</b>	<b>School</b>	<b>Funded By</b>	<b>Description</b>
Meaghan Sims	2,000.00	Blackman High	School Funds - Volleyball	JV Volleyball Coach
Tyson Hoppe	2,320.00	Cedar Grove	PTO	Work with Band students after school
Hugo Sanchez	1,500.00	Cedar Grove	PTO	Work with Choir students after school
Brenda Williams ***	200.00	Kittrell	School Funds - Chorus	Accompanist for Elementary Choral Festival
James Upton	620.00	Oakland Middle	School Funds - Basketball	Basketball Clock worker
Ricky Field ***	301.66	Riverdale	School Funds - Tennis	Conditioning Coach
Anna Grace Gerhart	NTE 2,000.00	Riverdale	Boys Soccer Boosters	Boys JV Soccer Coach
Stephen Williams	1,500.00	Riverdale	Track Boosters	Assistant Track Coach
April Edging	500.00	Siegel High	School Funds - Basketball	Bookkeeper for Basketball
Ben Kelley	NTE 1,000.00	Eagleville	School Funds - Baseball	Assistant Baseball Coach
Allen **** Guimbellot	500.00	Oakland High	School Funds Swimming + Swimming Boosters	Swimming Coach - Total approved is now \$2,500
Robert Chandler *	145.00	Oakland Middle	School Funds - Band	Guest Clinician for All County Jazz Band

Valanna Lyons	1,500.00	Siegel High	School Funds - Softball	Assistant Softball Coach
Jim Burns	650.00	Siegel High	School Funds - Basketball	Basketball Announcer
Deonica Rankins	725.00	Siegel High	School Funds - Basketball	Basketball Scorekeeper
Jeff Shipley	555.00	Stewarts Creek Middle	School Funds - Basketball	Basketball Announcer

- \* approved previously for an amount \$500 or greater
- \*\* not less than regular rate – or overtime rate if over 40 hours during the week
- \*\*\* anticipate amounts over \$500 this school year
- \*\*\*\* amend prior approval

**J. Non-Faculty Coaches:**

**According to Tennessee Secondary School Athletic Association (TSSAA) guidelines, Board of Education approval is required to allow non-faculty coaches to participate in the school athletic programs.**

**The following non-faculty coaches are for the 2015-2016 school year:**

<u>Name</u>	<u>School</u>	<u>Sport</u>
Taylor, Jonathon	LaVergne Middle	Baseball
Salahuddin, Jahez	Rockvale Middle	Baseball
Sharif, Haneef	Rockvale Middle	Baseball
Shipley, Daisy	Stewarts Creek Middle	Softball
Ozment, Tammy	Smyrna Middle	Softball
Febles, Carl	Blackman High	Theatre

Motion made by Mr. Estes, seconded by Mr. Young, to approve the consent agenda items as presented.

**Vote: All Yes**

**5. VISITORS – No visitors.**

**6. RECOGNITION**

**The following students earned a perfect score on the 2015 TCAP Writing Assessment. These students earned a 4 in all categories on last year’s writing assessment. Mr. Zago expressed that this is a huge accomplishment and commended students and their teachers for the hard work that went into this achievement.**

**Thelma Yankey  
Grant Tiller  
Peyton Turney  
Keiko Terry**

**7. COURSES OFFERED FOR CREDIT IN GRADES 9-12**

**Board of Education Policy 4.201 states in part, “A listing of courses offered for credit in grades 9-12 will be approved annually by the Board”.**

Motion made by Mr. Young, seconded by Mr. Estes, to approve the list of courses for credit in Rutherford County Schools grades 9-12 for 2016-2017 as presented.

**Vote: All Yes**

**8. SPECIAL COURSES**

**The Instruction Department is requesting permission to make an application to offer credit for special courses under the following guidelines: Rule 0520-1-3-.05-2a: “Local school systems may offer special courses not listed in 0520-1-3-.06 on an experimental basis. The Commissioner of Education must approve each course in advance each year. After three years the course may become a permanent part of the local school program upon approval by the State Board of Education”. After three years the special course request must be resubmitted if the teacher listed on the application changes.**

Motion made by Mr. Hodge, seconded by Mr. Holladay, to approve Rutherford County making application for new special courses to be offered in the named schools in 2016-2017 as presented.

**Vote: All Yes**

**9. FACILITIES**

**A. Status Update**

**Mr. Gary Clardy updated the Board on the following projects:**

**Rocky Fork Clearing and Grubbing**

**The project is progressing as the weather will permit. Fifty-five acres are cleared and Baron Construction is working on the temporary retention pond. The pond is approximately 90% complete. It will take approximately six more working dry days to complete. The contractor continues to clear the remaining acreage. This work will take approximately three weeks, and we will be ready to stabilize the entire site by seeding and strawing. The**

cemetery study is complete. During site design it will be determined if the cemetery will be relocated or not.

#### John Colemon Elementary School

RG Anderson Construction is making progress, in spite of the weather. The site contractor is installing the storm drainage system, and at this time they are 70% complete. The utility contractor has completed the installation of the new water service line to the fire hydrant at the new loading dock area. Once chlorination is complete we can schedule the disconnect and reconnection of the existing building water service. This will allow us to relocate the staff parking to the temporary parking area behind the walking track. The grading and paving contractors should be able to install the roadway base stone in the next couple of weeks. This will allow us to shift the student traffic to the new roadway. The contractor has 27,000 square feet of slab on grade placed. Exterior CMU (concrete block) work is up to the second floor joist bearing height in the second grade hallway, roof joist bearing height at CDC, library, main office, and 80% of the gymnasium. Interior hallway and classroom divider walls are under way.

#### Central Office Reroof

Pinnacle Roofing has completed the roof with the exception of the punch-list work.

#### LaVergne Primary School Reroof

Roofing work is just beginning and should be completed in four to six weeks.

#### Roy Waldron Elementary School Addition

The general contractor has completed 65% of the demolition and relocation work in the gymnasium area for the future stage. The steel erector is scheduled to be on site February 29, 2016, to begin the installation of the support beams in order to complete the demolition of the remaining. The grading contractor is presently building the temporary road and removing the topsoil from the construction area on the west side of the gymnasium where the new storage and entry areas will be located. The concrete contractor is scheduled to be on site beginning the footer excavation of this area next week.

The first floor slab is complete. The masonry contractor has completed the laying of the CMU (concrete block) on the first floor of the addition with the exception of the bathroom partition walls. The electrical and plumbing contractor has completed the rough in of all electrical and plumbing fixtures to this point on the first floor and will continue rough in to the second floor. The plumbing contractor is planning to finish the installation of the chilled water lines and sewer line across the future parking lot areas beginning the first week of March. The steel contractor is scheduled to be on site Monday to begin the process of placing and welding the steel trusses and deck pans into place. The steel erector is planning to have the second floor completed by the end of the first week of March weather permitting. The

concrete contractor will follow and begin prepping and pouring the concrete for the second floor. The utilities contractor completed the installation of the fire line and was passed inspection by the State Fire Marshall's office.

**Smyrna Elementary School Gymnasium Bleachers**

The bleacher installation is complete and has been inspected and released by Engineering Construction Department.

**Paving**

The paving contractor we have on bid is currently planning Riverdale and Oakland paving projects schedule. We expect them on site no later than the second week in March.

**Seal Coat/Striping Contractor**

The contractor has been onsite at Barfield Elementary School between rain showers sealing the cracks in the asphalt for preparation to apply the seal coating when the weather warms. The contractor should be able to apply seal coat during the month of March.

**B. Siegel Middle School Marquee Sign**

Principal Kim Stoecker has requested permission to replace the school's existing sign with a new one. The new marquee will be located at the existing sign location. The cost of the foundations, brick columns, and marquee is estimated at \$12,000.00. The materials and brick labor will be funded through school fundraisers. The marquee will be lighted and Rutherford County Schools Maintenance will install the electrical line, form and place the footings, and install the sign. The new marquee will be approximately 9' wide by 7'6" high.

Principal Stoecker has completed all the Engineering and Construction Department requirements and will be responsible for all permits and for meeting all local and state code requirements.

Motion made by Mr. Jordan, seconded by Mr. Estes, to approve construction of a new marquee sign at Siegel Middle School to replace the existing as presented.

**Vote: All Yes**

**10. REVISED POLICIES**

**Policy 3.206 (Community Use of School Facilities):** The revision allows a one year approval for an initial request and annual renewals thereafter for a maximum of ten years. The revised policy also includes a detailed fee schedule.



There being no further business, the meeting adjourned at approximately 6:10 P.M.

Wayne R. Blair  
Wayne R. Blair, Chairman

3-17-16  
Date

Marvin D. Odom  
Marvin D. Odom, Director of Schools

3-17-16  
Date

GROUND OR FREESTANDING WALL SIGNS ON-SITE PERMANENT SIGN  
PLAN REVIEW APPLICATION

Murfreesboro City Code 25 1/4 - 26

(EXCEPT PSO DISTRICTS and INTERSTATE ON-SITE SIGNS)

City of Murfreesboro  
Building & Codes Department  
P.O. Box 1139, 111 W. Vine Street  
Murfreesboro, TN 37133-1139  
Web site: murfreesborotn.gov

Telephone: (615) 893-3750  
Voice/TDD: (615) 849-2689  
Email: akerr@murfreesborotn.gov  
bhardison@murfreesborotn.gov

Sign Plan Review Application Can Not be Accepted without a Completed Application with Required Information, Renderings and Plans – See Page 2.

A copy of the sign ordinance can be downloaded from the City of Murfreesboro web-site: murfreesborotn.gov.

Applications may be transmitted electronically, by mail or personal delivery to:  
Amelia Kerr at Akerr@murfreesborotn.gov . FAXED APPLICATIONS WILL NOT BE ACCEPTED

Project: Siegel Middle Marquee Address: 355 W. Thompson Lane Zip 37129  
Applicant: Kim Stoecker Address: 355 W. Thompson Lane  
City: Murfreesboro State: TN Zip: 37129 Phone # 615-904-3830  
Email: Stoeckerk@rcschools.net  
Sign Contractor: Signs Plus Address: 4242 McIntosh Lane  
City: Sarasota State: FL Zip: 34232 Phone 1-800-848-4262  
Email: info@signsplusigns.com  
Property Owner: Rutherford Co Board of Ed Address: 2240 Southpark Drive  
City: Murfreesboro State# TN Zip: 37128 Phone 615-893-5812  
Email: \_\_\_\_\_

CLASS OF WORK:  New  Alteration  Relocation  Demolition  Reconstruct

ZONING CLASSIFICATION:

- Residential Zone (RS, RD, RM-12, RM-16, RM-22, RZ, PRD & residential PUD Districts)
- Commercial Zone (OG, CM, CL, P, CM, R, CM, RS, 8 and PND Districts)
- Commercial Zone (Central Business District)
- Commercial or Industrial Zone (CH, H-I, L-I, CF Districts)
- Commercial or Industrial Zone (PCD, and PID Districts); or  
Overlay Zone (GDO – 1, 2, 3 and 4 and non residential PUD Districts)

USE OF SIGN(S):  Tenant Sign  Complex Sign  Development ID Sign

TYPE OF SIGN(s):  Ground  Freestanding Wall Sign (monument)

USE OF BUILDING:  Single Tenant  
 Multi-Tenant Separate Outside Entrance  
 Multi-Tenant Separate Outside Entrance  
 Multi-Tenant Separate and Common Outside Entrances  
 Multi-Tenant Non-Residential Buildings-Single lot  
 Single or Multiple Buildings, Single Lot Mixed Vertically

Print Applicant Name: Siegel Middle  
Signature: Kim Stoecker  
Date: 2-23-16

ON-SITE GROUND OR FREESTANDING PERMANENT SIGN APPLICATION (continued):

Project Address: 355 W. Thompson Lane

ILLUMINATION \*\* A separate electrical permit for final connection to a sign is required to be obtained prior to sign permit issuance. Electrical permit  Yes  No

Existing Illumination  Internally  External (Indirect)  Non-illuminated

Push Thru Style (Internal illumination of a sign such that only the letters or graphics are illuminated).

VALUATION: \$ 12,748.00 State General Contractors License #: \_\_\_\_\_

(Valuation is defined as the total cost of all signage together with construction and installation, including all materials, labor, site preparation, design fees, overhead and profit).

Detailed Description of sign(s) proposed (Include dimensions and square footage of each sign, height, detailed lighting information, etc.. Please do not say "See attached"): Sign-Changeable Copy Sign

5' x 8' Double sided - will attach to brick structure (columns)

Model B-40 Changeable 6" Black letters

Two Brick Columns - overall finished size will be 27" x 27" x

7'6" High - Each column will have a concrete cast base

and cap

PLAN REQUIREMENT CHECKLIST

Plan Review Application Will Not be Processed without the Following Information; check to show compliance.

NOTE: Generic plans will not be accepted. Colored original illustrations of the actual signs (s) to be installed must be provided.

TN ONE CALL CONFIRMATION#: 160695882 (Call #811 before you dig)

Date Utilities are to be marked March 14

Dimensioned and scaled sign plan indicating

- Height of sign
- Display surface area of the sign (Height x Length in a tight envelope)
- Foundation and structural framing members of the proposed sign
- Sign material specifications
- Sign lighting specifications

Dimensioned and scaled full size (2' x 3') utility site plan indicating:

- Linear measurement of Street frontage
- Site specific location of the proposed sign
- Building Setbacks from the rights-of-way
- Utilities, Easements and power lines
- Spacing from all existing ground signs to remain on lot
- If no site plan available, a Certification of Sign Placement with site exhibit showing ROW, location of sign, utilities and easements.

Field markings by applicant at time of application

- Leading edge of sign location marked by stake and white paint line
- Utilities marked by Tennessee One-Call (811)
- Certification of Sign Placement by Registered TN Engineer or Surveyor

*Sign will replace existing sign.*

\*\*\*\*A location inspection will be performed at the time of application submittal.

\*\*\*\*It is the responsibility of the applicant to request a footing inspection and a final inspection.

Printed Applicant Name: Siegel Middle  
Signature: [Handwritten Signature]  
Date: 2-23-16

**City of Murfreesboro**  
**Building and Codes Department**  
 111 West Vine Street, Murfreesboro, TN 37133  
 Phone: 615-893-3750 Fax: 615-217-3016  
**FINAL INSPECTION DEPOSIT AGREEMENT**



Project Name: Siegel Middle Marquee

**THIS AGREEMENT MUST BE SIGNED PRIOR TO THE ISSUANCE OF A SIGN PERMIT**

By signing this Agreement and by making the required deposit, the Applicant (and Depositor, if different) agrees that the project will be completed and a final inspection will be requested in accordance with the terms and conditions of the Sign permit, as amended or extended. In the event that the terms and conditions contained in the Sign Permit are not completed/corrected/fulfilled within the time specified, the deposit will be forfeited. In addition, unless the Applicant can prove good cause to the Director, Building and Codes department, the Applicant will not be eligible for any other sign permits until the project has passed final inspection. Forfeiture of the deposit does not constitute authority to violate or to continue to violate or to set aside any provisions of the codes or ordinances of the City, and the City shall be entitled to enforce such codes or ordinances by any available means.

*It is the responsibility of those signing this Agreement to request all inspections when work is complete and all requirements have been satisfied.*

Application Date: \_\_\_\_\_ Permit Number: \_\_\_\_\_ Required Completion Date: \_\_\_\_\_

Project Address: 355 West Thompson Lane

<p><b>Owner of Business:</b></p> <p>Name: <u>Rutherford Co. Board of Education</u></p> <p>Address: <u>2240 South Park Dr</u> <u>Murfreesboro, TN 37128</u></p> <p>Phone: <u>615-893-5812</u></p>	<p><b>Permit Applicant:</b></p> <p>Name: <u>Kim Stoecker (Siegel Middle)</u></p> <p>Address: <u>355 West Thompson Lane</u> <u>Murfreesboro, TN 37129</u></p>
--	--

Designated Contact Person: Kim Stoecker Phone: 615-904-3830

[Signature] Kim Stoecker 2-23-16

SIGNATURE OF APPLICANT PRINTED NAME DATE

SIGNATURE OF DEPOSITOR, IF DIFFERENT PRINTED NAME DATE

<b>FOR OFFICE USE ONLY:</b>	
REFUNDABLE DEPOSIT: <u>\$75.00</u>	ISSUE DATE: _____
INVOICE NUMBER: _____	COMPLETION APPROVAL DATE: _____

**ON-SITE GROUND OR FREESTANDING PERMANENT SIGN APPLICATION (continued):**

Project Address: 355 W. Thompson Lane

I hereby certify that I have read and examined this application and know the same to be true and correct. All provisions of laws and ordinances governing this type of work will be complied with whether specified herein or not. The granting of a permit does not presume to give authority to violate or cancel the provisions of any state or local ordinance regulating construction or the performance of construction.

[Signature]  
APPLICANT SIGNATURE

3/8/16  
DATE

Kim Stoeker  
APPLICANT PRINTED NAME

Principal  
TITLE

PROPERTY OWNER'S SIGNATURE

DATE SIGNED

**FOR OFFICE USE ONLY**

Staff Comments/Conditions: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Zone District: \_\_\_\_\_

Approved: \_\_\_\_\_

Date: \_\_\_\_\_

Disapproved: \_\_\_\_\_

Date: \_\_\_\_\_

Explanation:

Incomplete/Not Accepted: \_\_\_\_\_

Date: \_\_\_\_\_

Items needed:

4/11/2016

RE: Siegel Middle Sign - Kim Stoecker

## RE: Siegel Middle Sign

Amelia Kerr <akerr@murfreesborotn.gov>

Fri 3/11/2016 11:15 AM

To: Kim Stoecker <StoeckerK@rcschools.net>;

2 attachments (30 KB)

Section 25.docx; Sign Variance Application.pdf;

Kim,

I got the site plan, and the application has been denied based on the illumination of the sign in a residential zone. I am attaching the section of the ordinance that pertains to your variance request to BZA and the BZA application. Please submit this and let have it to the Planning Department by April 11<sup>th</sup> to be on the agenda for the April 27<sup>th</sup> BZA meeting.

Thanks,

Amelia Kerr  
City of Murfreesboro  
Sign Administrator  
615-893-3750

---

**From:** Kim Stoecker [mailto:StoeckerK@rcschools.net]  
**Sent:** Thursday, March 10, 2016 1:39 PM  
**To:** Amelia Kerr  
**Subject:** Re: Siegel Middle Sign

Okay. Mr. Pace my assistant principal is going to get it copied and he is going to drop it off to you.

---

**From:** Amelia Kerr <akerr@murfreesborotn.gov>  
**Sent:** Thursday, March 10, 2016 1:06 PM  
**To:** Kim Stoecker  
**Subject:** RE: Siegel Middle Sign

Perfect, you may want to get it copied cause you wont get it back.

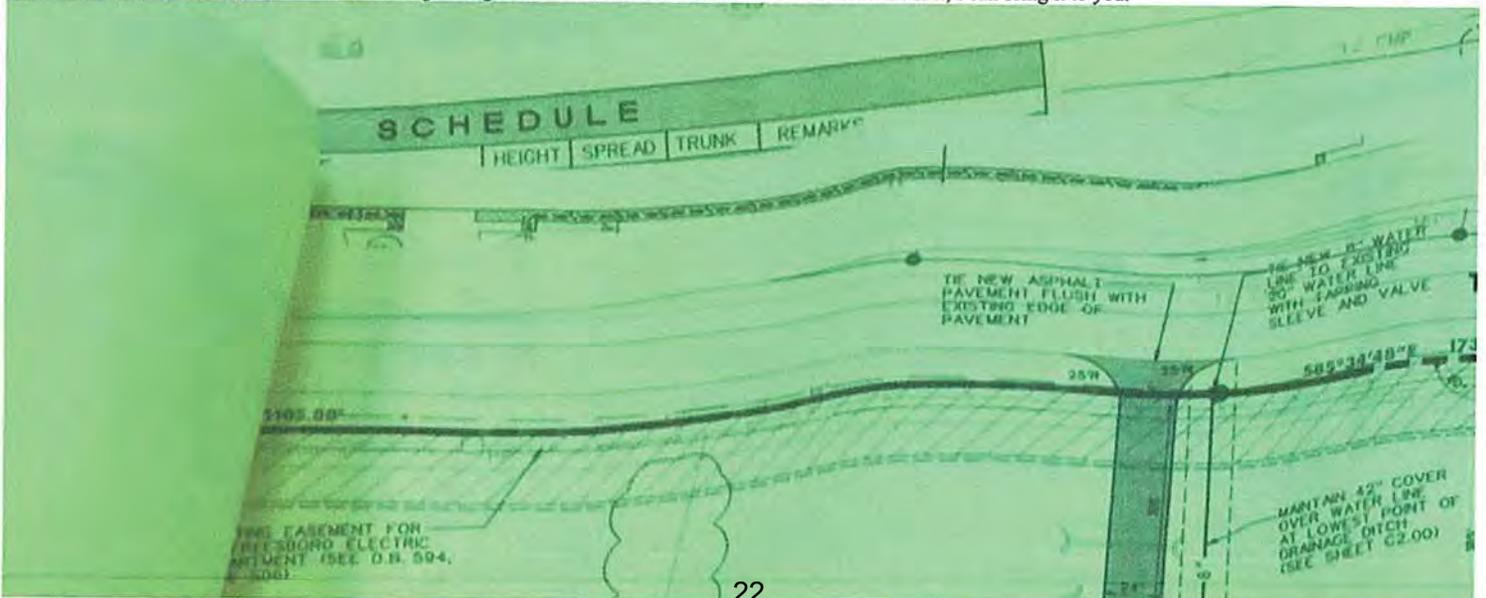
Thanks,

Amelia Kerr  
City of Murfreesboro  
Sign Administrator  
615-893-3750

---

**From:** Kim Stoecker [mailto:StoeckerK@rcschools.net]  
**Sent:** Thursday, March 10, 2016 12:35 PM  
**To:** Amelia Kerr  
**Subject:** RE: Siegel Middle Sign

Is this what you are looking for? I was able to dig through some stuff here at school and found this. If this is it, I can bring it to you.



**Section 25¼-26 On-site permanent sign requirements.**

*(A) Number, signable area of signs and construction.*

(1) Except as authorized by this section, it shall be unlawful to have more than one ground sign on a lot of record or in violation of the regulations set forth herein.

(2) If the lot of record has at least one hundred feet of frontage on each of two or more public streets, then there shall be no more than one ground sign along each side of the lot of record bordered by such streets.

(3) An interstate on-site sign is a special type of ground sign defined in Code §25¼-2(A).

Should the applicant be entitled to two or more ground signs, one of which is an interstate on-site sign, the applicant may utilize the interstate on-site sign structure for support of two or more signs provided:

(i) each sign is no larger than permitted,

(ii) each sign is either below the maximum height for a ground sign or above the minimum height for an interstate on-site sign;

(iii) no more than two of the signs are above the minimum height for an interstate on-site sign; and, (iv) no more than one ground sign may be located below the maximum height for a ground sign.

(4) The supports, braces, guys and anchors for all on-site permanent signs shall not be exposed creosote treated wood. Should the supports, braces, guys, and/or anchors be of creosote treated wood, they must be covered with a material other than paint. Wood used as supports, braces, or anchors shall be decay or rot resistant.

(5) When the number of signs listed is greater than one, the size set forth shall be for each sign unless otherwise indicated.

*(B) Spacing.* There shall be a minimum of 50 feet between Ground Signs and/or Freestanding wall signs on the same lot of record, provided that

(1) ground-mounted flagpoles and ground-mounted flag signs and

(2) Development ID signs on opposite sides of a vehicular entry to a Development shall be exempt from this requirement.

*(C) Permitted signs.* The following signs shall be permitted in the districts hereafter set forth:

(1) SIGNS PERMITTED IN RS, RD, RM-12, RM-16, RM-22, R-MO, RZ, AND PRD ZONING DISTRICTS:

*(a) Commercial (except home occupation), noncommercial:*

[1] Type - Attached:

Number - 1 per lot maximum.

Size - 3 sq. ft. per linear feet of building frontage not to exceed 40 sq. ft. maximum.

Setback - N/A.

Height - Ground level floor.

Illumination - Not permitted.

[2] Type - Ground:

Number - 1 per lot maximum.

Size - 40 sq. ft. maximum.

Setback - 5' ROW, 8' power lines minimum.

Height - 16' maximum.

Illumination - Not permitted.

**OR**

Type - Freestanding wall sign:

Number - 1 per entrance.

Size - Letters shall not exceed 24" in height. Display surface shall not exceed 40 sq. ft.

Setback - 5' ROW, 8' power lines minimum.

Height - 8' maximum.

Illumination - Indirect only.







**MURFREESBORO BOARD OF ZONING APPEALS  
STAFF REPORT  
APRIL 27, 2016**

- Application:** Z-16-025  
**Location:** 131 Cason Lane  
**Applicant:** Julie Smith of Absolute Fireworks  
**Zoning:** Highway Commercial (CH) District  
**Requests:**
- 1) A Special Use Permit to operate a Temporary Outdoor Vending Establishment (Fireworks Seasonal Retailer); and
  - 2) A Variance from Section 9(D)(2)(eeee)(2), which prohibits a temporary vendor located on the site of a permanent business from displacing more than 25 percent of the total parking available on the site.



## **Request Overview**

The applicant, Julie Smith of Absolute Fireworks, wishes to operate a fireworks sales tent for the Fourth of July season in the parking lot of Gish's Amish Legacies located at 131 Cason Lane. Chart 1 (Uses Permitted by Zoning District) of the Murfreesboro Zoning Ordinance lists Fireworks Seasonal Retailer as a use allowed by Special Use Permit in the CH district. The applicant seeks a Special Use Permit from the Board in order to operate the proposed fireworks sales tent.

The tent would be situated along the southern property line. The applicant has provided a letter from the property owner granting the applicant permission to operate the fireworks tent. The Board has previously approved this site for fireworks sales.

Additionally, the applicant seeks a Variance from Section 9(D)(2)(eeee)(2) of the Murfreesboro Zoning Ordinance, which prohibits a temporary vendor utilizing a lot that houses an existing permanent business from displacing more than 25 percent of the total parking available on the site. The applicant's fireworks tent would displace 30 percent of the site's total parking.

## **Relevant Zoning Ordinance Section**

Section 9(D)(2)(eeee)(2):

*The site for a temporary vendor shall be improved to provide adequate parking as determined by the BZA and shall provide for an on-site turn around area so that backing onto the street will not be necessary. Parking areas shall have an asphalt, concrete, or other hard dustless surface. In the event the proposed location will be on the site of an existing permanent business, the applicant must provide verification that the parking spaces displaced by the temporary vendor (including areas for tents, trailers, inventory, and parking for the temporary vendor) will not total more than 25% of the total parking available on the site.*

## **Staff Comments**

City Code allows fireworks to be sold within the City from June 28 to July 5. Section 9(D)(2)(eeee) of the Murfreesboro Zoning Ordinance allows fireworks retailers to begin site work as early as June 21; the site must be cleared of all debris and structures by July 10. In the attached request letter, the applicant indicates that sales will begin on June 28 and end on July 5; further, the site will be cleared by July 10. The tent's hours of operation will be from 10:00 AM until 10:00 PM on each day of operation except July 3 and July 4, when the tent will remain open until Midnight.

As shown on the applicant's site layout exhibit, the proposed tent will adhere to the minimum required setbacks for the CH district (42 feet on the front, 10 feet on the sides, and 20 feet on the rear). The tent would measure 30 feet by 40 feet. The tent would exceed the minimum separation requirement for on-site consumption of alcohol and would be more than 200 feet from the nearest fuel source. An operable fire hydrant is located within 500 feet of the proposed tent.

The applicant intends to provide a portable restroom on the premises for customers. The applicant plans to have an employee remain on site overnight. A temporary power pole will provide power for the tent. The applicant attests that all standards of general applicability for a Special Use Permit will be met. Further, in the request letter, the applicant has addressed all of the specific standards for Temporary Outdoor Vending Establishments.

Section 9(D)(2)(eeee)(2) of the Murfreesboro Zoning Ordinance prohibits a temporary vendor utilizing a lot that houses an existing permanent business from displacing more than 25 percent of the total parking available on the site. The parking lot serving the site has 40 parking spaces. The applicant intends to use 12 parking spaces; this constitutes 30 percent of the total available parking spaces. The applicant seeks a Variance from Section 9(D)(2)(eeee)(2), contending that the requirement poses a *practical difficulty* for her business, particularly since her busiest times occur when the existing permanent business is closed. The Board has granted the applicant similar parking Variances in previous years; staff is not aware of any problems or complaints resulting from these Variances. Staff recommends that the Board condition any approval on all displays, storage, or delivery trucks being removed from the southernmost parking row. Clearing this parking row will maximize parking on the lot.

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

### **Conditions Recommended by Staff**

If the Board approves the application, staff recommends the following conditions:

- 1) The applicant shall provide certification that the tent is flame-resistant or treated to be flame-resistant.
- 2) The applicant shall keep and maintain a fire extinguisher on site at all times.
- 3) The applicant shall keep the City's fireworks ordinance posted on site at all times.
- 4) Fireworks shall not be set-off on site.
- 5) The applicant shall apply for and pass an electrical safety inspection prior to opening for business. An electrical permit shall be purchased from the Building and Codes Department in order to obtain this inspection.
- 6) The fireworks tent shall meet all minimum building setback requirements for the CH zoning district.
- 7) The applicant shall obtain a tent permit for the fireworks tent.
- 8) All outdoor product displays, storage areas, and delivery vehicles shall be removed from the southernmost row of parking spaces and shall remain outside this area for the duration of the operation of the fireworks tent. The delivery vehicle for the existing permanent business shall be parked off-site for the duration of the operation of the fireworks tent.

### **Attachments**

1. BZA Application
2. Applicant's Supporting Materials
3. Site Photos

City of Murfreesboro  
BOARD OF ZONING APPEALS

HEARING REQUEST  
APPLICATION

Location/Street Address: 131 Cason Ln.

Tax Map: 92N | Group: B | Parcel: 2 | Zoning District: CH

Applicant: Julie Smith E-Mail: absolutefireworks@att.net

Address: P.O. Box 1525 Phone: 615-417-2072

City: LaVergne State: TN Zip: 37080

Property Owner: Kurt Fuchs

Address: 131 Cason Ln. Phone: 615-945-4463

City: Murfreesboro State: TN Zip: 37128

Request: ① seasonal fireworks retailer

② parking variance

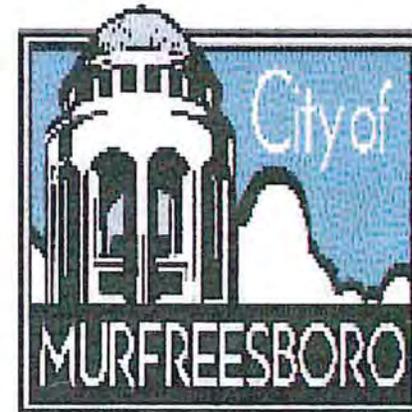
Zoning District: commercial CH

Applicant Signature: Julie Smith Date: 3-21-16

Received By: B. Davis Receipt No.: 22732

Application #: Date: 3-21-16

Murfreesboro  
Board of  
Zoning Appeals



T E N N E S S E E

HEARING APPLICATION  
AND  
GENERAL INFORMATION

SECTION 8.

(D) Procedure.

(1) Absolute Fireworks, LLC. has submitted an application to the Zoning Administrator. We are also aware of the nonrefundable fee to go before the Board of Zoning Appeals.

- (a) Julie Smith, Absolute Fireworks, LLC.  
P.O. Box 1525 La Vergne, TN 37086  
615-417-2072
- (b) We wish to obtain a special use permit to sale fireworks for the forth of July season, 2016.
- (c) See site plan attached.
- (d) 131 Cason Lane
- (e) See site plan attached.
- (f) Commercial Zoning
- (g) Special use to be conducted or operated:
  - 1. 10:00 a.m. - 10:00 p.m. June 28-July 3, midnight on July 4 & 5.
  - 2. June 28-July 5, 2016.
  - 3. Expected customers at one given time is 6
  - 4. Projected traffic is a steady flow of coming and going never lingering. In the past, we have always had a manageable traffic flow.
- (h) We plan to abide by all laws and codes which are set to minimize any harmful situations that may occur.

SECTION 9.

(C) *Standards of general applicability.*

- (1) The tent will be set so that it does not have an adverse effect upon adjacent property or neighboring businesses. The traffic conditions are managed by a turning lane and near by "red" light. Parking is sufficient due to the different peak business hours of the operating businesses in this "shared" lot.
- (2) The tent will be set by standards of code with proper set backs.
- (3) The tent will be served adequately by portable facilities.  
We will be properly equipped with fire proof tents, extinguishers per fire codes.
- (4) The tent or use will not result in any destruction, loss or damage of any feature determined by the BZA to be significant natural, scenic, or historic importance.
- (5) The special use complies with all additional standards imposed on it by the particular provision of this section.

(z) Temporary vendors.

- (1) We have obtained a letter of permission from the owner.(see attached)
- (2) The parking lot in which the site is located has a total of 42 parking spaces. We are proposing a use of 12 spaces. Six spaces for our tent and six spaces for our customers.
- (3) We will comply if BZA requires traffic control measures.
- (4) We will set up the tent so that it has a rear emergency exit. We do not have have any movable equipment. We will have overnight security.

- (5) There are two operable fire hydrants within five hundred feet.
- (6) We will place a five hundred dollar deposit with the Building and Codes Department. We understand that the deposit is refunded only after the site has been cleared and cleaned within the time specified.
- (7) We will provide a portable toilet.
- (8) We plan to post all approval paperwork on site.
- (9) We understand that no special use permit will be granted to any applicant who occupies premises for the temporary vendor where conditions exist on the site which are in violation of the sign, building, fire, electrical, or other ordinances of the City.
- (10) We plan to use a temporary power pole and will remove it within 14 days after the Special Use Permit expires.
- (11) The tent nor any part thereof, is located within any easements for electrical power transmission or distribution.
- (12) We will use a traditional trash can with liners and will eliminate trash daily.
- (13) We hire a sign company who abides by all Murfreesboro sign codes and permits.
- (14) We do not plan to use any machines or devices while on site.
- (15) We are applying for a Special Use Permit for the "firework season" for the forth of July. The dates are deemed by the codes dept.
- (16) We will comply to whatever the BZA may require.
- (17) We are located on asphalt.
- (18) Additional Standards.
  - (aa) We are not located within two hundred feet of any fuel source.
  - (bb) We are not located within two hundred fifty feet of an establishment that is licensed for on-site consumption of alcoholic beverages.
  - (cc) We are applying for the fireworks season of July 4<sup>th</sup>.  
We are aware that we are not allowed to conduct any activity associated with the fireworks seasonal retailer before June 21. Also, we understand that all materials shall be removed from the site on or before July 10, 2016.
  - (dd) We comply with all state and City laws and ordinances regarding the sale of fireworks, including but not limited to T.C.A. (68-104-101) and City Code (12.
  - (ee) We are applying for one season in one calendar year.

#### SECTION 10. VARIANCES

- (e) Standards and proof required for variances.
  - (1) Reserved.
  - (2) We are requesting a variance to use 31% of the parking lot for our Special Use Permit. Section 9. (z) requires 25% or less of the parking lot for Special Use Permits.
    - a. The practical difficulties of complying with the code is that we need an extra 2.6 parking spaces for our customer parking. The only day that the extra spaces will be needed is on the forth of July, when our business has its peak time. In the past, we have never experienced any issues with parking.

We usually have the entire parking lot to ourselves on the forth due to the other business closing early or all day to observe the holiday.

- b. There are no unusual characteristics of this property.
- c. The need for this variance was not self-created.

\*We are aware of section 12 "Pyrotechnics" of the Murfreesboro City Codes Department. We plan to abide by all new codes written and adopted by the City of Murfreesboro.

TEMPORARY TENANT LEASE AGREEMENT

BETWEEN LESSOR:

Lessor's Name: \_\_\_\_\_ Company Name: (Property Owner) \_\_\_\_\_

AND LESSEE:

Lessee's Name: Julie Smith \_\_\_\_\_ Company Name: Absolute Fireworks, LLC \_\_\_\_\_

FOR THE AMOUNT OF:

The Lessee shall pay the Lessor, and Lessor agrees to accept, the amount of \$1500 for use of the property described herein. Lessee agrees to pay in full the agreed amount at the time of execution of this agreement.

FOR PROPERTY LOCATED AT:

Street: 131 Cason Ln. \_\_\_\_\_ City: Murfreesboro \_\_\_\_\_ St: TN \_\_\_\_\_ Zip: 37128 \_\_\_\_\_  
Additional description: Fireworks tent shall be erected in the parking lot in front of the vacant unit, closest to the car wash side. The tent shall meet all Murfreesboro Codes and pass the Murfreesboro Board of Zoning Appeals. \_\_\_\_\_

WITH THE INTENDED TIMEFRAME OF USE:

June 28<sup>th</sup> 2015 through July 5<sup>th</sup> 2015

TO BE USED FOR:

The Lessee shall use the property described herein to operate a temporary fireworks retail business.

WITH THE FOLLOWING CONDITIONS:

1. At the end of the intended timeframe of use, Lessee agrees to leave the property in the same condition it was received.
2. The Lessee agrees to obtain liability insurance coverage for this property during the intended timeframe of use in the amount of \$2,000,000. Lessee will forward a copy of the insurance policy to Lessor, 30 days prior of the intended timeframe of use. The said Insurance policy should have Additional Insured names as the above property owners and with the property Address/Location.
3. Lessor does not provide any utilities to Lessee.
4. The Lessee cannot sublease any portion of the Leased property.
5. The Lessee has the first right of refusal to any firework vendor who may be interested in a lease on the property.
6. The Lessee will obtain and provide copies to the Lessor of all local and state permits and proof of insurance.

Lessor

Lessee

By: (Print) \_\_\_\_\_ *Michael G...* \_\_\_\_\_

By: Julie Smith

Title: (Property Owner) \_\_\_\_\_

Title: Business Owner – Absolute Fireworks

Signature: \_\_\_\_\_ *[Handwritten Signature]* \_\_\_\_\_

Signature: \_\_\_\_\_ *Julie Smith* \_\_\_\_\_

Date: \_\_\_\_\_ *2/10/15* \_\_\_\_\_

Date: \_\_\_\_\_ *2-2-15* \_\_\_\_\_

To whom it may concern,

Julie Smith / Absolute Fireworks has my permission to conduct business of retail fireworks sales at 131 Cason Lane, Murfreesboro. This permission is good for the (summer) July firework season of 2015.

Thank you,

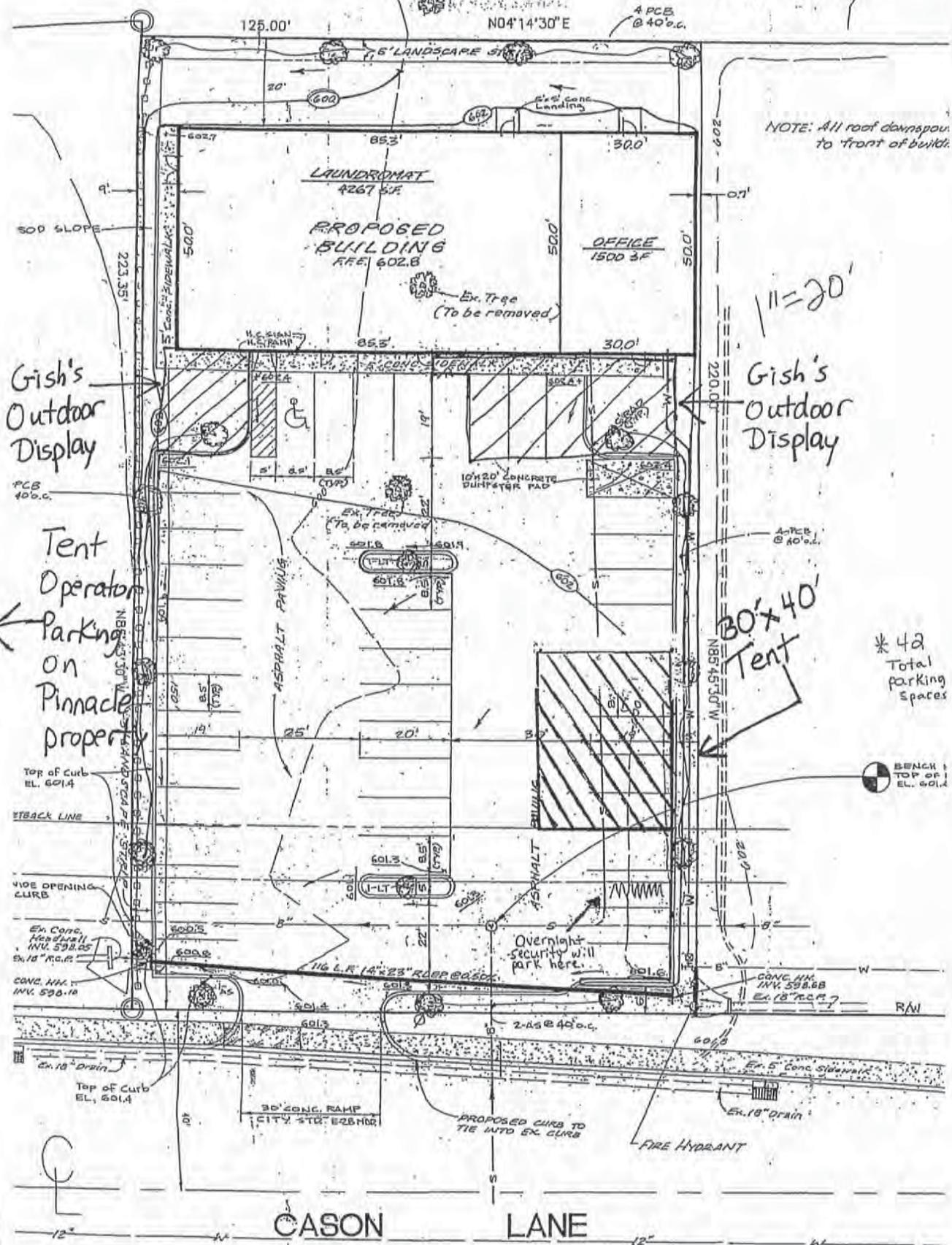


(Property Owner's Signature)

8D

Meadows Properties LLC  
604/690

Total 40  
Parking Spaces  
On-Site



NOTE: All roof downspouts to front of build.

Gish's Outdoor Display

Gish's Outdoor Display

Tent Operator  
Parking on Pinnacle property

30'x40' Tent

\* 42 Total parking Spaces

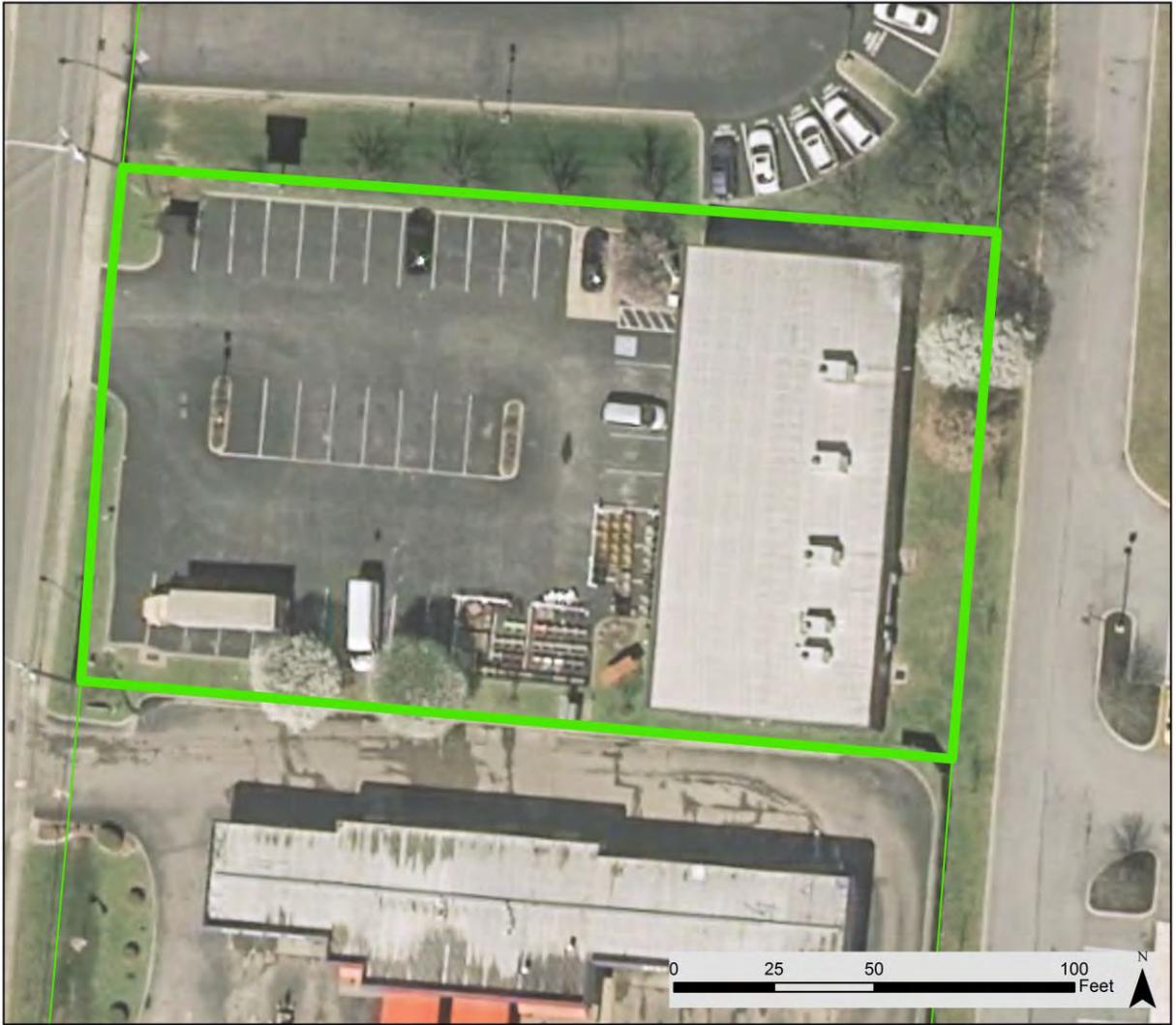
BENCH: TOP OF EL. 601.4

CASON LANE

**Photographs for Z-16-025  
131 Cason Lane**



Aerial photograph of subject property.



Aerial photograph of subject property.



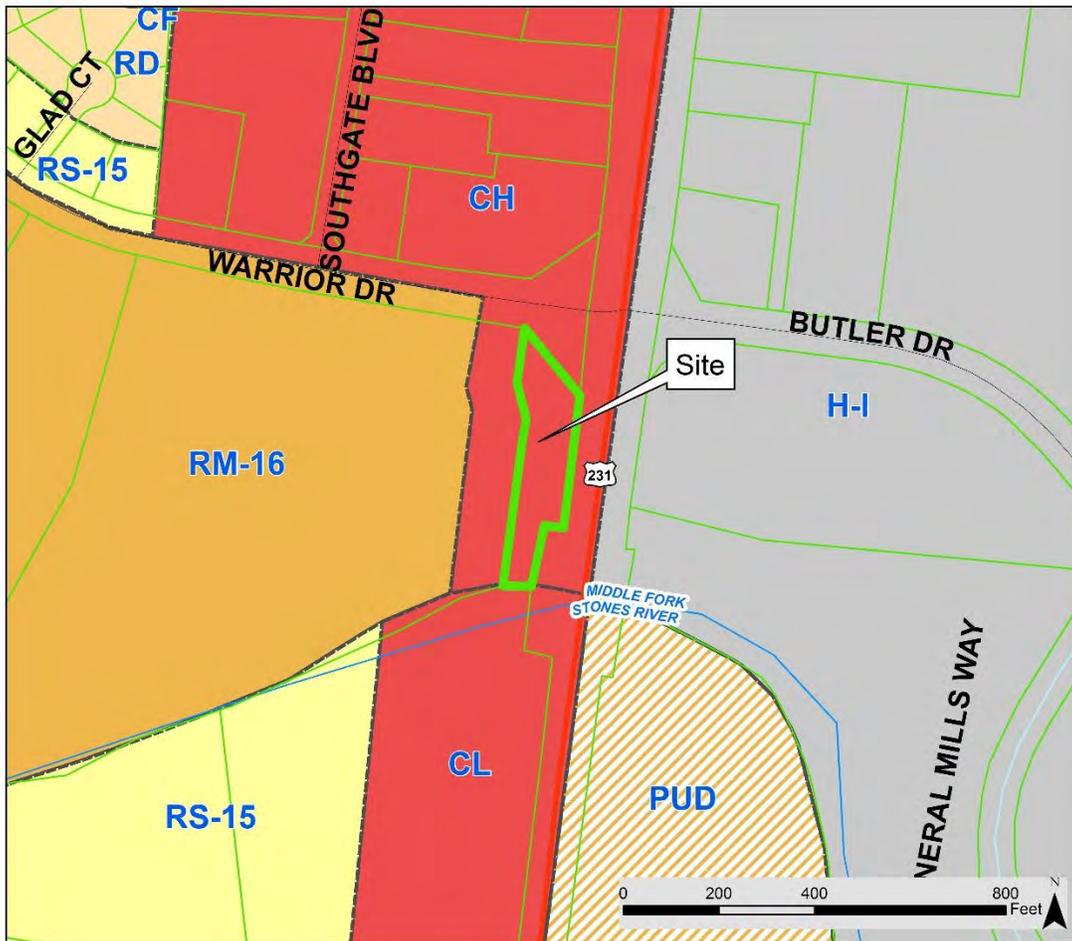
View of subject property with fireworks tent. Google StreetView, June 2015. View from Cason Lane looking to the east.



View of subject property with fireworks tent. Google StreetView, June 2015. View from Cason Lane looking to the southeast.

**MURFREESBORO BOARD OF ZONING APPEALS  
STAFF REPORT  
APRIL 27, 2016**

- Application:** Z-16-026  
**Location:** 2510 South Church Street  
**Applicant:** Jake Loyd of Mid-America Distributors  
**Zoning:** Highway Commercial (CH) District  
**Requests:**
- 1) A Special Use Permit to operate a Temporary Outdoor Vending Establishment (Fireworks Seasonal Retailer);
  - 2) A Variance from Section 25(E)(5) of the Murfreesboro Zoning Ordinance, which requires temporary and accessory structures in commercial and industrial districts to comply with the same minimum building setbacks required for principal structures; and
  - 3) A 42-foot Variance from Chart 2 (Minimum Lot Requirements, Minimum Yard Requirements, and Land Use Intensity Ratios) of the Murfreesboro Zoning Ordinance, which requires a minimum 42 foot front yard setback in the CH district



**Request Overview**

The applicant, Jake Loyd of Mid-America Distributors, wishes to operate a fireworks sales tent for the Fourth of July season on property located at 2510 South Church Street, southwest of the intersection of South Church Street and Warrior Drive. A structure housing a tobacco store and a liquor store is situated toward the center of the subject property. Chart 1 (Uses Permitted by Zoning District) of the Murfreesboro Zoning Ordinance lists Fireworks Seasonal Retailer as a use allowed by Special Use Permit in the CH district. The applicant seeks a Special Use Permit from the Board in order to operate the proposed fireworks sales tent.

The tent would be situated along the northern side of the existing lot. The applicant has provided a lease agreement granting the applicant permission to operate the fireworks tent. The Board has previously approved this site for fireworks sales.

In addition to the Special Use Permit, the applicant seeks both a 42-foot front yard setback Variance along Warrior Drive and a Variance from Section 25(E)(5) of the Zoning Ordinance, which requires temporary and accessory structures to follow the same setback requirements as principal structures in commercial districts.

**Relevant Zoning Ordinance Sections**

Section 25(E)(5):

*In commercial and industrial districts, temporary and accessory structures and uses, except fences, walls, and hedges, shall comply with the same front, side, and rear setback as is required for the principal structure except as noted in this subsection. Provided, however, a detached accessory structure used for storage or as a dumpster enclosure may be located not less than five feet from a side or rear lot line provided it is less than two hundred square feet in floor area;*

Chart 2 (excerpt):

District and Use	Minimum Yard Requirements		
	Front (Ft.)	Side (Ft.)	Rear(Ft.)
CH District 1. All uses	42	10 <sup>[6]</sup>	20

**Staff Comments**

City Code allows fireworks to be sold within the City from June 28 to July 5. Section 9(D)(2)(eeee) of the Murfreesboro Zoning Ordinance allows fireworks retailers to begin site work as early as June 21; the site must be cleared of all debris and structures by July 10. In the attached request letter, the applicant indicates that site preparation will begin on June 21, sales will begin on June 28, sales will end on July 5, and the site will be cleared by July 10. The tent’s hours of operation will be from 8:00 AM until 10:00 PM on each day of operation except July 3 and July 4, when the tent will be open from 7:00 AM until Midnight.

As shown on the applicant's site layout exhibit, the proposed tent will adhere to the minimum required setbacks for the CH district (42 feet on the front, 10 feet on the sides, and 20 feet on the rear) except along the Warrior Drive frontage. The southeastern corner of the tent would directly abut the front property line along Warrior Drive. Due to this encroachment, the applicant seeks Variances from both the 42-foot front yard setback and the requirement that a temporary structure in a commercial district comply with the same setbacks as the principal structure. Staff's review indicates that the proposed location of the tent will comply with all other required setbacks.

The tent would measure 30 feet by 60 feet. The applicant attests that the site was used for temporary vending prior to the adoption of the City's requirement that parking lots consist of hard-surface, dustless materials; therefore, the existing gravel lot may continue to be used for temporary vending. The tent would exceed the minimum separation requirement for on-site consumption of alcohol and would be more than 200 feet from the nearest fuel source. An operable fire hydrant is located within 500 feet of the proposed tent. The applicant intends to provide a portable restroom on the premises for customers. The applicant may have an employee remain on site overnight. A generator will be utilized to provide power for the tent.

Due to the presence of a water line near Warrior Drive, staff recommends that the applicant be required to have the water line marked by a licensed surveyor. Further, the applicant should be prohibited from placing stakes within ten feet of the marked water line. Staff recommends that the applicant utilize above-ground appurtenances to anchor the tent. Staff recommends that the applicant be required to provide evidence to staff that each of the above-prescribed steps have been taken to protect the water line.

The applicant attests that all standards of general applicability for a Special Use Permit will be met. Further, in the request letter, the applicant has addressed all of the specific standards for Temporary Outdoor Vending Establishments.

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

### **Conditions Recommended by Staff**

If the Board approves the application, staff recommends the following conditions:

- 1) The applicant shall provide certification that the tent is flame-resistant or treated to be flame-resistant.
- 2) The applicant shall keep and maintain a fire extinguisher on site at all times.
- 3) The applicant shall keep the City's fireworks ordinance posted on site at all times.
- 4) Fireworks shall not be set-off on site.
- 5) The applicant shall apply for and pass an electrical safety inspection prior to opening for business. An electrical permit shall be purchased from the Building and Codes Department in order to obtain this inspection.
- 6) The fireworks tent shall meet all minimum building setback requirements for the CH zoning district.
- 7) The applicant shall obtain a tent permit for the fireworks tent.

- 8) Vehicular access from Warrior Drive shall not be allowed.
- 9) All grass and weeds growing through the existing gravel shall be removed and/or destroyed. The applicant shall supplement existing gravel with additional gravel to provide a smoother driving and walking surface where needed.
- 10) Prior to placing the tent on the site, the applicant shall have the existing water line on the site field-located by a licensed surveyor. The surveyor shall lay out the location of the tent and provide evidence to staff that the location of the tent is at least ten feet from the marked water line. Evidence shall be provided to staff that each of these required steps have been taken to protect the water line.
- 11) Tent stakes shall not be located within ten feet of the marked water line.

**Attachments**

1. BZA Application
2. Applicant's Supporting Materials
3. Site Photos

<i>City of Murfreesboro</i> <b>BOARD OF ZONING APPEALS</b>	<b>HEARING REQUEST APPLICATION</b>
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Location/Street Address: 2510 S. Church Street			
Tax Map: 113	Group:	Parcel: 031.02	Zoning District: CH

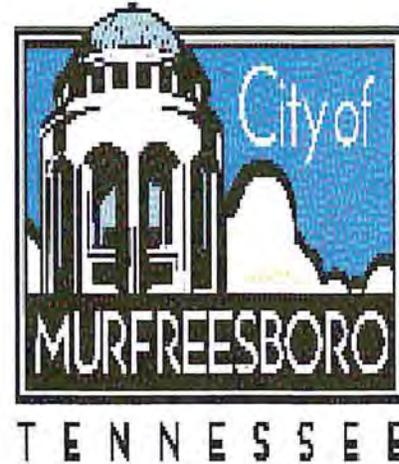
Applicant: Jake Loyd		E-Mail: jake@madfireworks.com	
Address: PO Box 1628		Phone: 615-793-9393	
City: LaVergne	State: TN	Zip: 37086	

Property Owner: Barbara Hutson Fry			
Address: 1114 Walton Drive		Phone: (615) 896-0878	
City: Murfreesboro	State: TN	Zip: 37130	

Request:	To operate a seasonal fireworks outlet from June 28 to July 5.		
Zoning District: Commercial Highway (CH)			
Applicant Signature: <i>Jake Loyd</i>		Date: 4/10/2016	

Received By: <i>B. Davis</i>	Receipt No.: <i>22736</i>
Application #:	<i>4-11-16</i>

## Murfreesboro Board of Zoning Appeals



## HEARING APPLICATION AND GENERAL INFORMATION

April 10, 2016

Mr. Robert Lewis  
City of Murfreesboro  
Planning and Engineering Department  
P.O. Box 1139  
Murfreesboro, TN 37133

Dear Mr. Lewis:

Mid America Distributors, Inc. respectfully requests permission to appear at the March meeting of the Murfreesboro Board of Zoning Appeals for the purpose of obtaining a permit to sell fireworks in the City of Murfreesboro at 2510 South Church Street (SW Corner of S. Church St. and Warrior Dr.).

Listed Below is an itemized list of how this location complies with the city's regulations.

**SECTION 8. PROCEDURE FOR USES REQUIRED SPECIAL PERMITS**

**(D) Procedure.**

(1)

- (a) Jake Loyd / 849 Lakemont Dr., Nashville, TN 37220 / 615-207-0452
- (b) Mid America Dist. plans to use this site to sell fireworks during the allotted time as designated by the City of Murfreesboro during the July 4 Season. We also have a lease agreement with the property owner. Proper documentation is attached.
- (c) Site plan enclosed
- (d) 2510 South Church Street, Murfreesboro, TN
- (f) Commercial Highway (CH)
- (g) Manner in which special use will be conducted or operated:
  - [1] Days: June 28 – July 5 / Hours: 8am – 10pm (except July 3 &4, which will be 7am – 12pm)
  - [2] Duration: we will be selling for a total of eight (8) days for the July 4 season
  - [3] It is estimated that this location will have around 90 customers per day
  - [4] It is estimated that this location will have around 45 vehicles visit it per day
- (h) We do not foresee any harmful characteristics on this zoning district, in fact we have operated at this location for twelve (12) straight years without any problems.

**SECTION 9. STANDARDS FOR SPECIAL PERMIT USES**

**(C) Standards of general applicability.**

- (1) Putting a fireworks tent on this location will in no way have a substantial or undue adverse affect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities, and other matters affecting the public health, safety, and general welfare.

- (2) This fireworks tent will be constructed, arranged, and operated in a compatible manner with the immediate vicinity and will not interfere with any development or use of adjacent property in accordance with the applicable district regulations
  - (3) This location will adequately serve by essential public facilities and services such as highways, streets, parking spaces, drainage structures, refuse disposal, fire protection, water and sewers; if the location itself does not provide any of these the tent operator or Mid America Distributors will
  - (4) By selling fireworks at this location it will not result in the destruction, loss, or damage of any feature determined by the BZA to be of significant natural, scenic, or historic importance
  - (5) Selling fireworks at this location complies with all additional standards (see below)
- (Z) *Temporary vendors, as described in Section 25(D)(4) of this article, are subject to the following additional standards:*
- [1] Owner of the property or the owner's authorized agent's signature on application for the temporary vendor Special Use Permit is attached
  - [2] There is adequate parking on this site insuring that backing onto the street is not necessary. The parking area is a gravel surface for this location. The proposed location is not on the site of an existing permanent business. However, there is a permanent business next to this site. If the BZA considers this location to be on site of this permanent business, total space needed will not total more than 25% of the total parking available on this site.
  - [3] Traffic control measures are not needed for this site, in addition the Warrior Drive entrance no longer exists. We have been selling here for the last twelve (12) years without any traffic issues or problems, but we will make additional provisions if deemed necessary by the BZA.
  - [4] The tent at this site will be erected or placed in conformance with all applicable Codes. The tent will have an emergency exit in addition to its normal entrance/exit. The only vehicle(s) that will be left on this site overnight are the ones that whoever is sleeping in the tent is driving. The location of the tent operator's vehicle is shown on the attached site plan. Other than what is mentioned above, there will be no other facilities, vehicles, trailer, etc left on site overnight.
  - [5] This site is within five hundred feet from an operable fire hydrant.
  - [6] Deposit of \$500 given / policy understood
  - [7] Restroom provisions: a portable toilet will be provided for this location
  - [8] Special Use Permit granted by BZA will be posted at this tent for inspections
  - [9] Setting up a fireworks tent at this site are not in violation with any sign, building, fire, electrical, or any other City ordinances. If such violation were to occur and we receive a notice, we understand the 24 hours deadline policy to fix the problem.
  - [10] We will use a portable generator to provide electricity at this location.
  - [11] This tent will be erected outside of all easements for electrical power transmission and distribution.
  - [12] Adequate provisions for solid waste management have been made. In most cases, our tent operators take their solid waste to a city facility designated for

- this purpose, to our warehouse, or another site where they have obtained permission to do so. In any event, there will not be a dumpster used on this site.
- [13] I am well aware of the sign ordinance and what signage is legal. We will make certain that all of our signage complies with the sign ordinance.
- [14] There will not be any noises, etc that will disturb the piece coming from this location.
- [15] We only plan to use and apply for use of this location for the following period: June 28 – July 5, which does not exceed 70 days.
- [16] We will comply with any additional standards that the BZA may require in order to assure compatibility of this location with adjoining properties.
- [17] The site for this tent is located on gravel, was legally established, and existed for the use of temporary vending purposes prior to January 1, 2007.
- [18] Additional standards of a Special Use Permit for temporary vending of fireworks:
- [aa] There is not a fuel source within two hundred feet of this proposed tent location or any fireworks inventory.
- [bb] There are no facilities for onsite consumption of alcohol within a straight-line measurement of two hundred fifty feet of this proposed tent location or any fireworks merchandise.
- [cc] We are applying for this application to sell fireworks from June 28 through July 5. We understand that all activities and materials associated with the temporary sell of fireworks during these periods must not begin before June 21 and must end and be cleared by July 10.
- [dd] We understand that as a Fireworks seasonal retailer we must comply with all state and City laws and all ordinances regarding the sale of fireworks, including but not limited to T.C.A. §68-104-101 and City Code §12.
- [ee] We are only asking for approval for one period within the next year, we understand that we must apply again for any periods exceeding a year to date.

**SECTION 12-30 PROHIBITED SALES, USE AND POSSESSION OF FIREWORKS.**

- [A] We understand the definition of a *Bottle Rocket, D.O.T. Class C common firework, Mortar, and Reloadable*.
- [B] We understand that a person must be at least sixteen (16) years of age to purchase any D.O.T. Class C common fireworks. We also understand that any person sixteen (16) or seventeen (17) must show a state issued photo identification as proof of age to the seller or be accompanied by an adult.
- [C] We understand that, other than for a public display, it shall be unlawful for any person with the City of Murfreesboro to sell, use or possess any mortar firework with a single tube that is preloaded or having a diameter of 1.5” or more.
- [D] We understand that, other than for a public display, it shall be unlawful for any person with the City of Murfreesboro to sell, use, or possess any reloadable firework.
- [E] We understand that, other than for a public display, it shall be unlawful for any person with the City of Murfreesboro to sell, use, or possess any bottle rocket.

LEASE AGREEMENT

March 5, 2015

**PARTIES:**

LESSOR: Barbara Fry, Owner  
2210 S. Church Street  
Murfreesboro, TN 37127

LESSEE: Jake Loyd, Vice President  
Mid America Distributors, Inc.  
P.O. Box 1628  
LaVergne, TN 37086

**DESCRIPTION AND USE OF PROPERTY:**

Property located at 2510 South Church Street (southwest corner of South Church Street and Warrior Drive) in Murfreesboro, Tennessee. LESSOR agrees to exclusively rent to LESSEE space for a tent and customer parking to sell Class C Fireworks. The parties further agree that fireworks shall not be sold on any property owned or controlled by LESSOR and situated within 750 feet of the above described premises during the term of this lease.

**CONTINGENCIES:**

If the above described property is sold, permanently developed by LESSOR, or leased for a non-fireworks use for a long-term period (at least 12 consecutive months) this agreement becomes void upon LESSOR giving LESSEE a 30 day written notice in advance of the rental period. If the sale of fireworks is prohibited by law, this agreement will become void. This lease is subject to approval of all Murfreesboro, and State of Tennessee authorities. If the fireworks outlet cannot be operated due to "Acts of God" or if LESSEE is unable to obtain all permits required to legally operate the fireworks outlet, this agreement will become void. If any of the above contingencies occur, all prepaid rent payments shall promptly be returned to LESSEE.

**ELECTRICITY:**

LESSOR will be allowed to erect a temporary electric pole to supply adequate electricity, or LESSEE will be allowed to obtain electricity from the exterior outlets at the rear of LESSOR'S building. If electricity is obtained from LESSOR'S building, LESSEE shall pay LESSOR \$100 for the electricity used.

**TERM AND RENTAL AMOUNT:**

LESSEE shall be permitted to use the premises for a periodic lease during the following "Fireworks Sales Periods" and for the respective rental amounts set forth opposite each rental period.

<u>Rental Period</u>	<u>Rent</u>
June 14, 2015 to July 10, 2015	
June 14, 2016 to July 10, 2016 (Option Period)	
June 14, 2017 to July 10, 2017 (Option Period)	

All rents are payable in advance. Upon acceptance of this agreement, a partial rent payment for the 2015 rent in the amount of \_\_\_\_\_ shall be paid to LESSOR. The remaining rent balance of \_\_\_\_\_ shall be paid to LESSOR prior to 2015 rental period.

**CLEAN-UP AND FREE FIREWORKS:**

LESSEE agrees to remove all structural items, debris, and to leave the lot clean at the termination of this lease. LESSEE shall provide LESSOR with a coupon for free fireworks prior to each July 4th.

**INSURANCE:**

LESSEE supplies LESSOR (in advance of the rental period) with a binder naming LESSOR as additionally insured for at least \$500,000 each occurrence whether in respect to bodily injury liability or property damage liability combined.

**FIRST RIGHT OF REFUSAL IN 2018:**

Subsequent to the term of this lease, LESSOR grants to LESSEE the first right of refusal for the privilege of leasing the above described property for the purpose of selling fireworks during the 2018 Summer Fireworks Season (June 14, 2018 through July 10, 2018) based upon meeting the terms of a written offer to lease said property by any bonafide third party that is expert to the fireworks business, but in no event shall the rent increase by more than 25%.

**GENERAL:**

This agreement shall be interpreted under the laws of the State of Tennessee, and is binding upon the undersigned parties and their heirs, successor, and assigns. If any part of this instrument is unenforceable, the remainder hereof shall be in full force and effect. Notice is deemed given upon LESSEE presenting this contract to LESSOR.

LESSOR:

LESSEE:

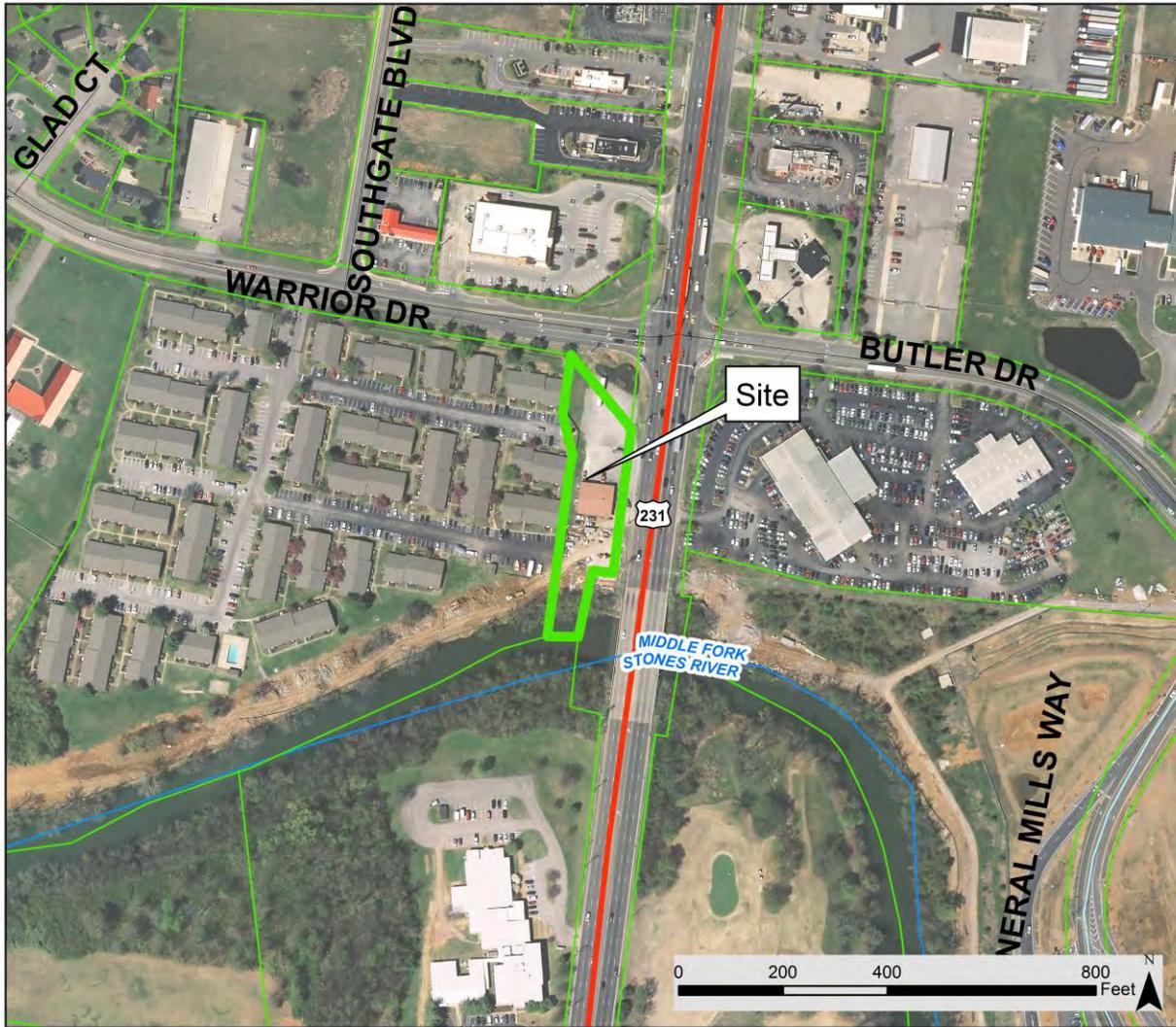
Mid America Distributors, Inc.

By: Barbara Fry Date 3-6-15  
Barbara Fry, Owner

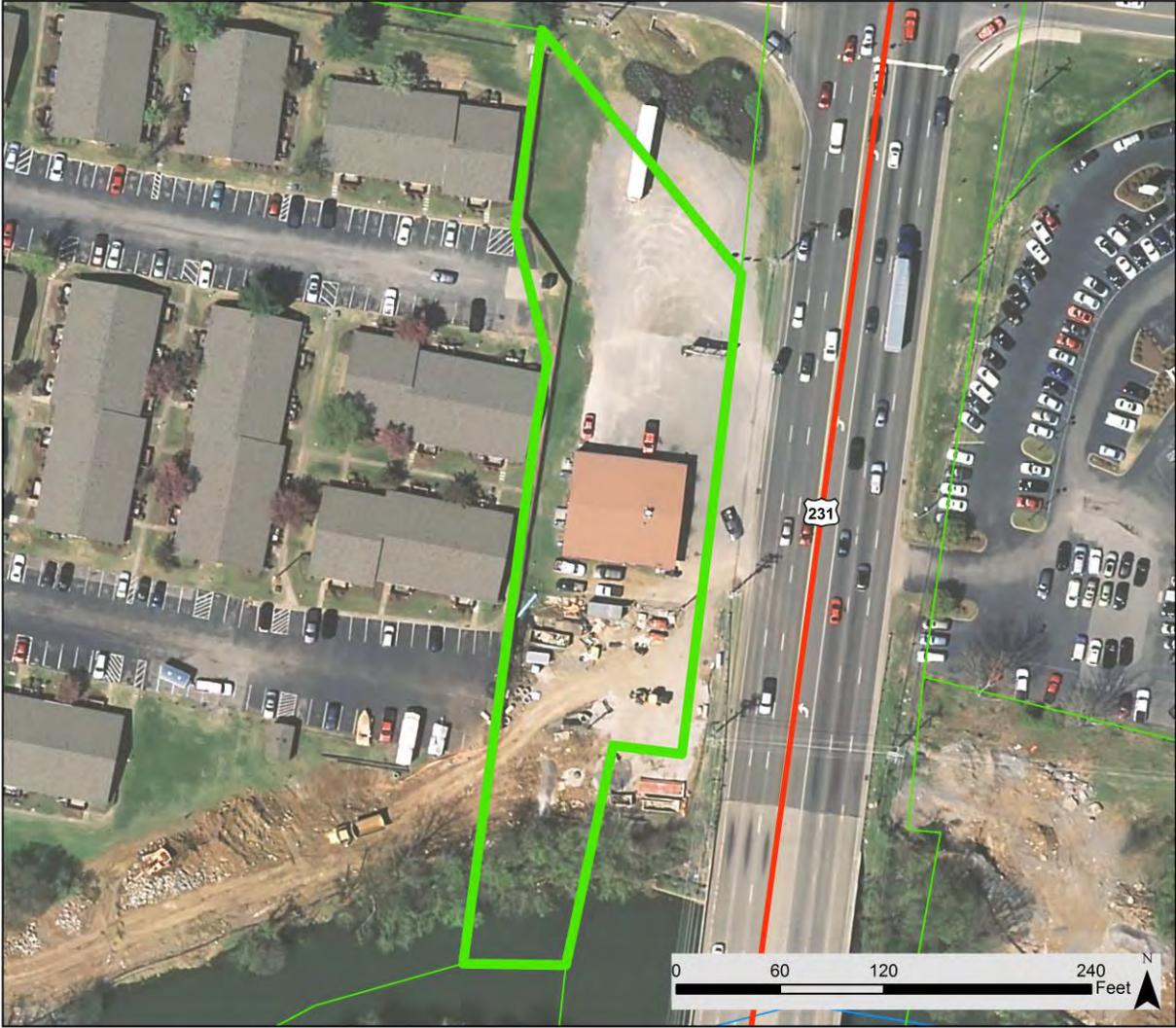
By: Jake Loyd Date 3/4/15  
Jake Loyd, Vice President



Photographs for Z-16-026  
2510 South Church Street (Fireworks Tent)



Aerial photograph of subject property.



Aerial photograph of subject property.



View of subject property taken from intersection of South Church Street and Warrior Drive looking to the south.



View of subject property taken from South Church Street looking to the southwest.



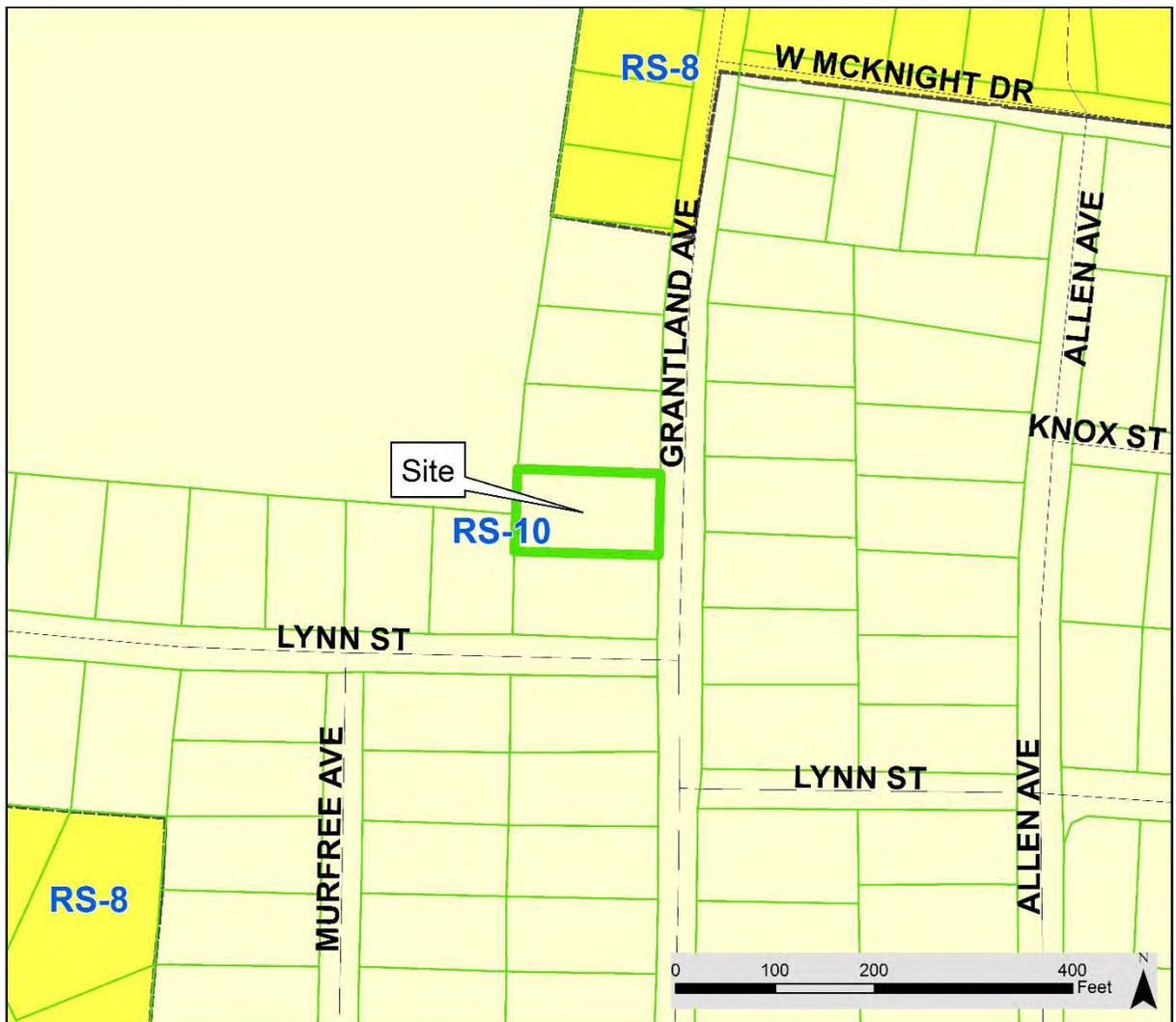
View of subject property taken from Warrior Drive looking south.



View of landscaping at corner of South Church Street and Warrior Drive, taken from South Church Street looking to the northwest.

**MURFREESBORO BOARD OF ZONING APPEALS  
STAFF REPORT  
APRIL 27, 2016**

**Application:** Z-16-028  
**Location:** 1105 Grantland Avenue  
**Applicant:** Stephanie Norwood  
**Zoning:** Single-Family Residential (RS-10) District  
**Request:** A Special Use Permit to operate a Home Occupation (Pet Grooming Business) on property in the Single-Family Residential (RS-10) District located at 1105 Grantland Avenue



## **Request Overview**

The applicant, Stephanie Norwood, seeks a Special Use Permit to allow a Home Occupation (pet grooming business) at her residence located at 1105 Grantland Avenue. The subject property is located north of the intersection of Grantland Avenue and Lynn Street. The property is zoned RS-10. The lot measures approximately 80 feet in width and 140 feet in depth for a total area of approximately 11,200 square feet. The subject property includes a single-family house, which is rented by the applicant. In addition to living in the house, the applicant uses the garage for her pet grooming business; the applicant recently became aware of the requirement for a Special Use Permit for her business and promptly contacted the Planning Department to make application to the Board.

## **Staff Comments**

The surrounding neighborhood includes a mix of single-family residential zones. The subject property and adjacent properties are located in the RS-10 zoning district. Properties to the north and southwest are located in the RS-10 zoning district. Most of the properties adjacent to the subject property are used for single-family houses. However, the subject property shares most of its rear property line with the 17-acre Mitchell-Neilson school property to the west. The applicant has indicated that the pet grooming business has operated for a number of years without any problems. The applicant has obtained written permission from the property owner to operate the pet grooming business at the subject property.

The applicant has provided an exhibit showing one designated parking space for customers and sufficient room for three additional parking spaces. Based on current zoning standards, single-family dwellings are required to have four parking spaces. Staff is not aware of any complaints regarding parking on this property. However, to avoid potential conflicts, staff recommends that the applicant be required to stagger appointment times in order to prevent multiple customer vehicles from being on site simultaneously.

The applicant attests that all standards of general applicability for a Special Use Permit will be met. Further, in the request letter, the applicant has agreed to abide by the additional standards for Home Occupations listed in Section 9(D)(2)(rr) of the Zoning Ordinance.

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

## **Conditions Recommended by Staff**

If the Board approves the application, staff recommends the following conditions:

- 1) All client visits are to be by appointment only.
- 2) Hours of operation shall be limited to those requested by the applicant in the request letter.
- 3) The applicant shall arrange appointment times such that no appointment begins less than 15 minutes after the previous appointment ends.

- 4) Any signage placed on the subject property shall adhere to the standards set forth in the City Sign Ordinance and the Zoning Ordinance.

**Attachments**

1. BZA Application
2. Applicant's Supporting Materials
3. Site Photos

City of Murfreesboro  
BOARD OF ZONING APPEALS

HEARING REQUEST  
APPLICATION

Location/Street Address: 1105 Grantland Ave

Tax Map: D91C | Group: B | Parcel: 15.00 | Zoning District: RS-10

Applicant: Stephanie Norwood E-Mail: stephanienorwood@aol.com

Address: 1105 Grantland Ave | Phone: 615-648-0830

City: Murfreesboro | State: TN | Zip: 37129

Property Owner: Brenda Berry

Address: 1302 Grantland Ave | Phone: 615-202-8238

City: Murfreesboro | State: TN | Zip: 37129

Request: Business license for  
residential grooming ~~business~~ business

Zoning District: RS-10

Applicant Signature: Stephanie Norwood Date: 3.31.16

Received By: B. Davis

Receipt No.: 22733

Application #:

Date: 4-1-16

Murfreesboro  
Board of  
Zoning Appeals



HEARING APPLICATION  
AND  
GENERAL INFORMATION

Stephanie Norwood  
1105 Grantland Ave  
Murfreesboro TN 37129  
Pampered Li'l Paws (grooming)  
Business # 615-631-6175 Thennet  
Personal # 615-648-0830

I am requesting permission to be able to obtain a business license for pet grooming out of the above listed residence. (my home.)

I have been conducting business since the end of 2012 but was unaware I needed county & city license. I was told by the county at the time I did not need either due to the low income brought in by this business at this time.

Since my gross amount has increased and the number of clientele is larger I wanted to make sure I did things correctly. The years I have operated at my home I have made sure that it is in within normal hours not to

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.

③ I agree 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 that the persons or agencies responsible for the establishment of the proposed use will provide adequately for such services.

④ I agree that the proposed building or use will not result in the destruction, loss or damage of any feature determined by the BPA to be of significant natural, scenic, or historic importance.

⑤ I agree that the proposed building or use complies with all additional standards imposed

Pampered Li'l Paws  
Business # 615-631-6175  
Home # 615-648-0830

1105 Grantland Ave  
Murfreesboro TN 37129

Stephanie Norwood "owner"

- ① Operating hours are 9am to 7pm - some drop off's are at 7am but very few
- ② Clients pull up in the driveway bring their dog in and leave. They are only at my location for 5 to 10 minutes
- ③ Volume of traffic is very low. I space my clients out where there is never an issue with parking. I make sure to space out pick up times as well. I make sure that my volume is adequate enough to not cause too much in and out traffic that would disturb or cause an issue with neighbors.
- ④ My back yard is fenced in and in the event a dog needs restroom or play time we go in the back yard where the dog is enclosed & on a leash.
- ⑤ My business is conducted out of my garage. My clients access from the front garage door.

4-2-16

To whom It May Concern,  
I own Property at 1105 Grantland Ave.  
Stephanie Newbold has been a very responsible  
tenant here for more than 10 years.

She has my permission to operate a  
Dog Grooming Salon in the garage of the  
residence.

Brenda J Berry  
1302 Grantland Ave.  
615-202-8238

Pampered Li'l Paws  
Stephanie Norwood  
1105 Grantland Ave  
Murfreesboro TN 37129

Surrounding neighbors with  
no objections to continuing  
my home based business.

Hours: Monday: Closed Tues to Fri  
1am to 7p.m Saturday: One  
every couple of months 12-4  
Sunday: Closed

I agree to have an open door  
policy if there is an issue  
I'm willing to change to  
solve any issues that may  
arise.

① Josephine D. Jullis } next door  
1107 GRANTLAND AVE, } neighbors  
Murfreesboro, TN 37129  
# 615 - 207 - 6551



② Tiffany Temple, Bridgely & Shandale } need  
Bridgely } does  
1103 Grantland Ave Murfreesboro TN 37129 } neighbor  
615-504-5822

③ Matthew Cox } across street  
neighborhood  
1102 Grantland Ave Murfreesboro, TN 37127  
781-738-6867

④ April Wilson } Behind us  
neighbors  
606 Lynn St. Murfreesboro TN 37129  
615-785-6505

⑤ Kathy Shuts  
1017 Grantland Ave  
M. Boro TN 37129  
615-624-7285

⑥ Patrick Hills } across the street  
1104 Grantland Ave  
M. Boro TN 37129  
(615) 978-~~6963~~ 6963

⑦ Kalyn Haynes  
1100 Grantland Dr.  
Murfreesboro, TN 37129  
615-971-1128

⑧ Jason & Leslie Arkenberg :  
1108 Grantland Ave :  
Murfreesboro, TN 37129  
615-977-5245

○ All the surrounding neighbors  
that would be impacted  
have signed & stated they  
are o.k. with my home business  
to continue as it has for the  
last ~~20 years~~ three years.

16

Mirabilis  
Ponardo

17

Client  
Ponardo

19

Mirabilis  
Ponardo

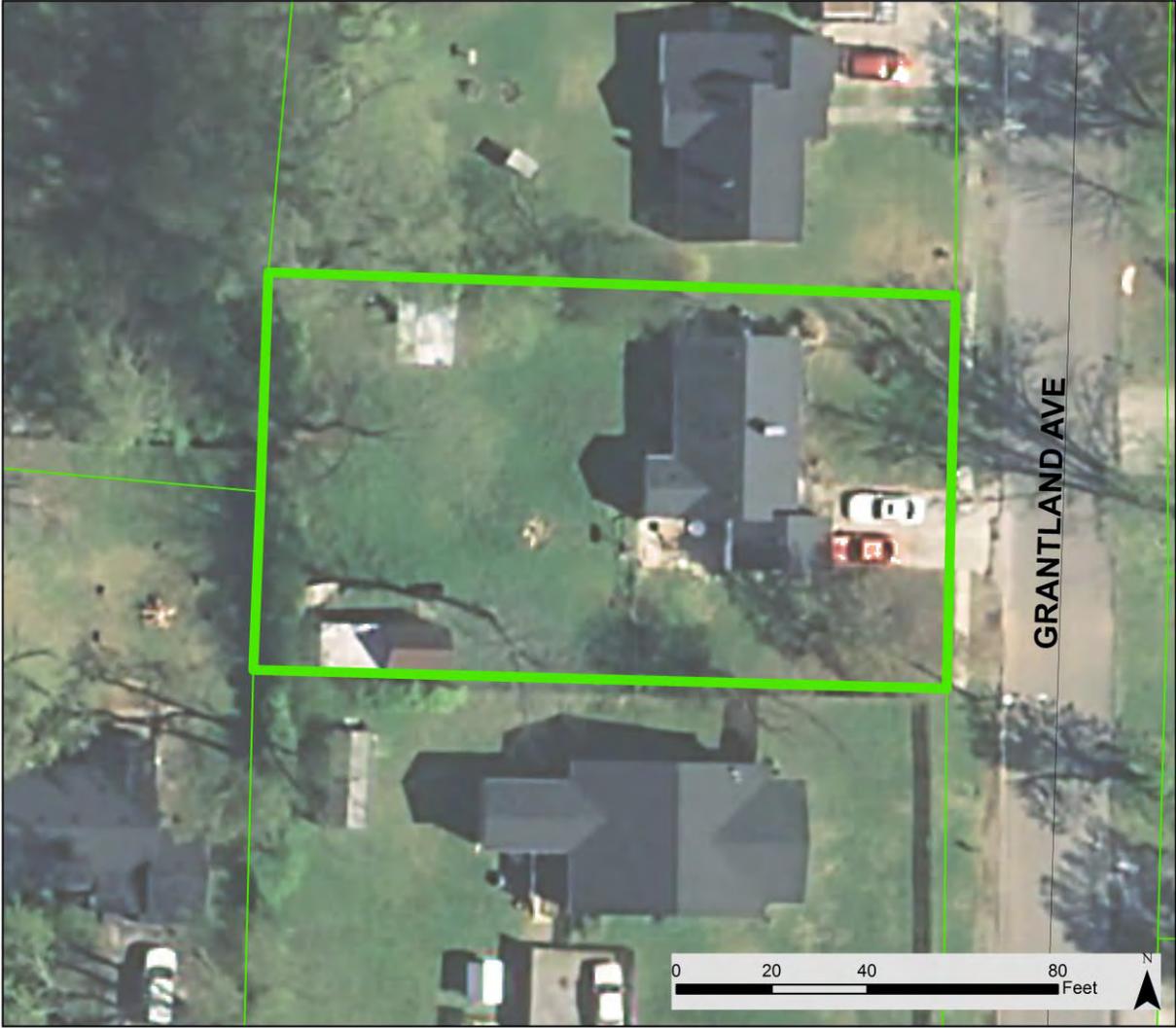
18

Mirabilis  
Ponardo

Photographs for Z-16-028  
1105 Grantland Avenue



Aerial photograph of subject property.



Aerial photograph of subject property.



View of subject property from Grantland Avenue looking to the west. Google StreetView, May 2012. The applicant uses the garage on the left-hand side of the house for the pet grooming business.



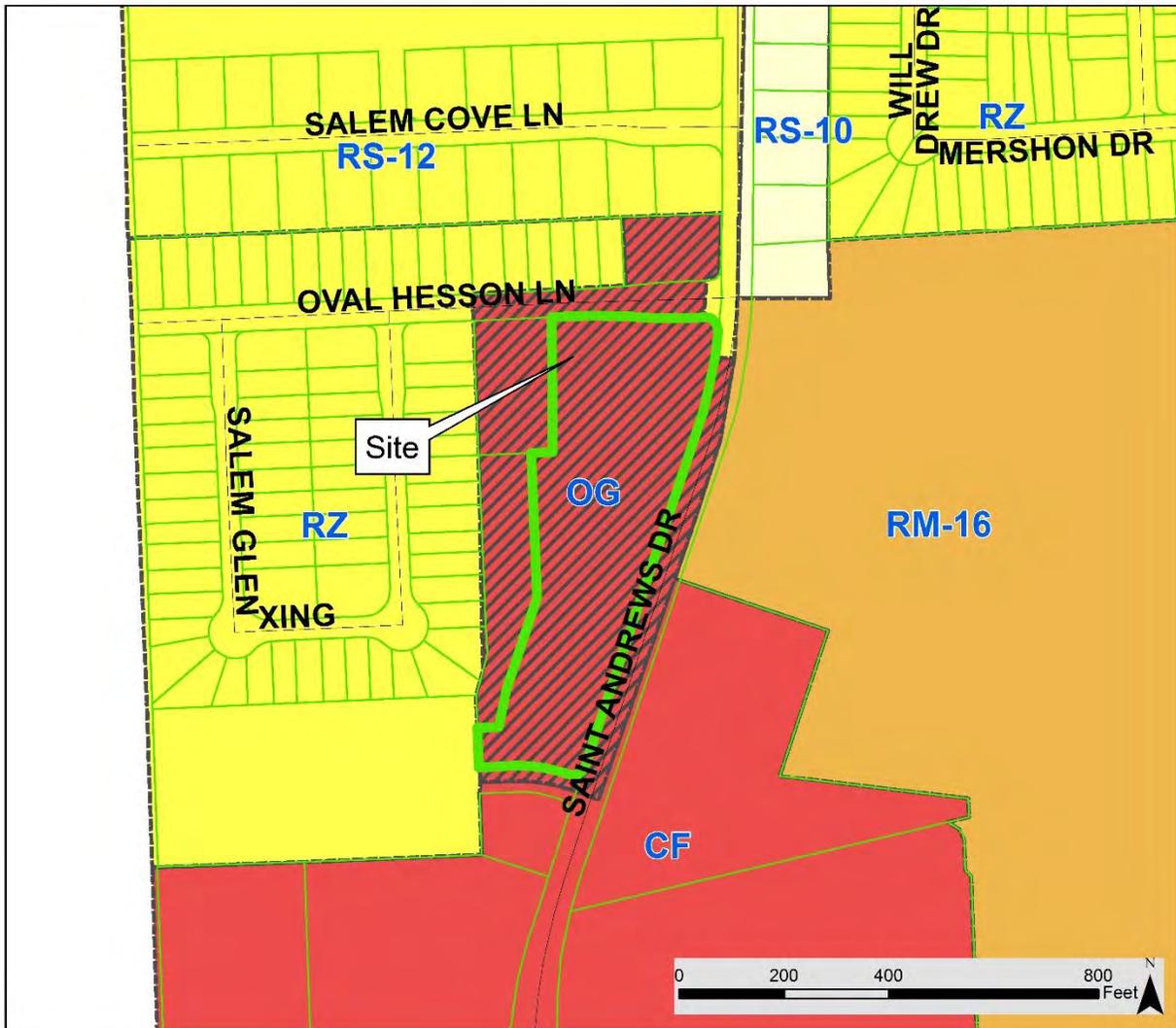
View of neighboring houses from the intersection of Grantland Avenue and Lynn Street looking to the north. Google StreetView, May 2012. The applicant's house is the second house on the left-hand side of the screen (nearest the black SUV).



View of neighboring houses from Grantland Avenue looking to the south. Google StreetView, May 2012. The applicant's house is the second house on the right-hand side of the screen (nearest the red car and black SUV).

**MURFREESBORO BOARD OF ZONING APPEALS  
STAFF REPORT  
APRIL 27, 2016**

**Application:** Z-16-029  
**Location:** Along the south side of Oval Hesson Lane, west of Saint Andrews Drive  
**Applicant:** Matt Taylor of SEC Inc. representing Salem Academy Daycare  
**Zoning:** General Office (OG) District  
**Request:** A Special Use Permit to allow a Daycare Center in the General Office (OG) district



## **Request Overview**

The applicant, Matt Taylor of SEC Inc. representing Salem Academy Daycare, seeks a Special Use Permit to allow a daycare center along the south side of Oval Hesson Lane, west of Saint Andrews Drive. The daycare center would be constructed on a 0.73-acre tract that is currently part of a larger 5.4-acre property. The owner intends to subdivide the property at a later date. The subject property is located in the OG district and lies adjacent to properties zoned OG on the west, RS-12 (Single-Family Residential) on the north, OG on the northeast, RM-16 (Multi-Family Residential) on the east, and CF (Commercial Fringe) on the south and southeast.

## **Staff Comments**

The proposed 5,580-square foot daycare structure would be located on the south side of the lot. Per the applicant's request letter and the attached building elevations, the proposed structure would be one story (approximately 27 feet) in height and the exterior would consist primarily of brick. Accents such as brick columns, dormers, and gable and cupola above the entryway will provide additional architectural character for the structure. Per the applicant's request letter, the proposed daycare will accommodate up to 110 children and will operate from 6:00 AM to 6:00 PM daily.

The proposed parking area would be located north of the proposed daycare structure, between the structure and Oval Hesson Lane. The applicant proposes having only one curb cut on Oval Hesson Lane; the access drive would be situated along the eastern boundary of the lot. Chart 4 (Required Off-Street Parking and Queuing Spaces by Use) of the Zoning Ordinance requires that a daycare center provide one parking space for each 300 square feet of floor area plus 1.5 spaces for each two employees employed on the largest shift. Based on the proposed square footage (5,580) and the proposed number of employees on the largest shift (18), the applicant would be required to provide 32 parking spaces. The site layout submitted by the applicant shows 34 spaces along with two accessible spaces.

The applicant attests that all standards of general applicability for a Special Use Permit will be met. Further, in the request letter, the applicant has addressed most of the specific standards for daycare centers outlined in Section 9(D)(2)(bb) of the Zoning Ordinance. Specifically, the applicant has indicated that: an on-site off-street loading and unloading area will be provided; vehicles will be able to exit the site without backing onto any street or sidewalk; and all required off-street parking will be provided on-site. The applicant notes that the subject property does not abut any residentially-zoned area; therefore, the screening requirement in Section 9(D)(2)(bb)(4) of the Zoning Ordinance does not apply. During the site plan review process, Planning and Urban Environmental staff will review the site in accordance with City landscaping requirements. All necessary perimeter landscaping and buffers will be discussed with the applicant during the site plan review process. Staff recommends that the Board condition any approval of a Special Use Permit on the applicant providing a statement from the State of Tennessee indicating that the proposed day care facility can comply with all State requirements.

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

### **Condition Recommended by Staff**

If the Board approves the application, staff recommends the following condition:

- 1) Prior to the issuance of a Certificate of Occupancy, the applicant shall provide Planning staff a statement from the State of Tennessee, Department of Human Services, that the proposed daycare facility can comply with all requirements of the State of Tennessee with regard to such use.

### **Attachments**

1. BZA Application
2. Applicant's Supporting Materials
3. Site Photos

City of Murfreesboro  
BOARD OF ZONING APPEALS

HEARING REQUEST  
APPLICATION

Location/Street Address: Along Oval Hesson Lane

Tax Map: 114      Group:      Parcel: 2.00      Zoning District: OG

Applicant: Decker Investments, LLC      E-Mail: dan.decker@comcast.net

Address: 2774 New Salem Hwy      Phone: 615-849-5262

City: Murfreesboro      State: TN      Zip: 37128

Property Owner: Decker Investments

Address: 2774 New Salem Hwy      Phone:

City: Murfreesboro      State: TN      Zip: 37128

Request: Special Use Permit to allow Daycare Facility in a OG Zone

Zoning District: OG

Applicant Signature: *[Handwritten Signature]*      Date: 4.11.16

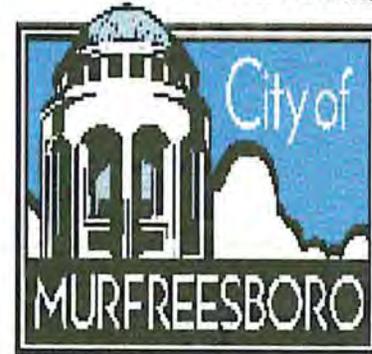
Received By: B. DAVIS      Receipt No.: 22739

Application #:      4-11-16

Murfreesboro  
Board of  
Zoning Appeals

RECEIVED  
APR 11 2016

BY: .....



T E N N E S S E E

HEARING APPLICATION  
AND  
GENERAL INFORMATION

BOARD OF ZONING APPEALS HEARING APPLICATION  
AND GENERAL INFORMATION

A-304 APPENDIX A - BOARD OF ZONING APPEALS INFORMATION

April 11, 2016

Mr. Donald Anthony  
City of Murfreesboro  
111 W Vine St  
Murfreesboro, Tennessee 37130

RE: Salem Academy Daycare  
BZA Special Use Permit  
Murfreesboro, Tennessee  
SEC Project No. 16002

Dear Donald:

Pursuant to Section 8 – Procedure for Uses Requiring Special Permits and Section 9 – Standards for Special Permit Uses of the City of Murfreesboro Tennessee 2015 Zoning Ordinance in regards to the proposed **Salem Academy Daycare** (on Parcel 2.00 of Tax Map 114 along Oval Hesson Drive), please accept the following information as our submittal package for the official Board of Zoning Appeals – Hearing Request Application.

### **Section 8 – Procedure for Uses Requiring Special Permits**

**(A) Name, address, and telephone number of the applicant**

Decker Investments, LLC  
c/o Dan Decker  
2774 New Salem Hwy  
Murfreesboro, TN 37128

**(B) Nature and extent of applicant's ownership interest in subject property**  
Decker Investments currently owns the the land for the proposed site.

**(C) Site plan to be submitted for review by City Staff and the Board of Zoning Appeals**  
A concept plan has been submitted with this application for review.

**(D) Address of the site of the proposed special use**  
Along Oval Hesson Drive

**(E) Vicinity Map showing the property of the proposed special use and all parcels within a five-hundred foot radius**  
A vicinity map has been submitted with this application for review.

**(F) Zoning Classification of property of the proposed special use**  
The property is currently zoned OG.

**(G) The property of the proposed special use shall have the following characteristics:**

**1.) Hours and days of operation**

The daycare is open 12 hours per day: 6:00 AM – 6:00 PM

**2.) Duration of the proposed special use**

Permanent

**3.) Number of expected patrons that will be expected to utilize the property of the proposed special use**

The facility is proposed to have no more than 110 .

**4.) Projected traffic that will be expected to be generated by the proposed special use**

Traffic generation projections are attached with this submittal. At peak times, the projected trips are 14 vehicles per hour.

**(H) Potentially harmful characteristics of the proposed special use for the zoning district in which it is proposed and the manner in which the applicant proposes to eliminate or minimize them**

Any new lighting will have a photometric plan to show the onsite proposed lighting in the parking lots and resulting footcandles will be no more than 0.5 at the property lines.

The plan proposes landscaping along the property lines to meet the requirements of the zoning ordinance.

The trash enclosure has been proposed on the western side of the site.

## **Section 9 – Standards for Special Permit Uses**

**(C) Standards of general applicability. An applicant for a special use permit shall present evidence at the public hearing on such special permit, which evidence must establish:**

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

The proposed facility has been designed to be have minimal impacts on the surrounding neighborhoods. All the parking needs for the building are contained on the site itself and will not have any connectivity with the surrounding residential neighborhoods. The utilities are anticipated to come from the roadway and be extended into the site as necessary.

**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 buildings are oriented and will present its front door toward Oval Hesson Drive. The site will be accessed solely from Oval Hesson Drive via a proposed access point that will provide for full turning movements. The proposed building will be single story building

with exterior materials as shown on the elevations. Proposed landscaping along the property lines will meet the requirements of the zoning ordinance. The trash enclosure has been proposed on the western side of the site.

- 3) ***that the proposed building or use will be served adequately by the essential public facilities and services such as highways, streets, parking spaces, drainage structures, refuse disposal, fire protection, water, and sewers; or that the persons or agencies responsible for the establishment of the proposed use will provide adequately for such services***

The subjected property is located along public street Oval Hesson Drive just off St Andrews Drive which is listed as a community collector.

All of the parking needs for the project are contained on the site itself and will not have any connectivity with the surrounding residential neighborhoods.

The drainage for the site will be managed on-site.

The trash enclosure has been proposed on the western side of the site.

Water service is anticipated to be provided via connection to water mains within Oval Hesson Drive.

Sewer service is anticipated to be provided via connection to sewer mains within Oval Hesson Drive.

- 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 of significant natural, scenic, or historic importance***

No other structures or features are known to be of significant importance to remain at this time, however if the BZA identifies any such features the applicant will work to preserve those as well.

- 5) ***that the proposed building or use complies with all additional standards imposed on it by the particular provision of this section authorizing such use***  
***(bb) Day care centers, family day care homes, and group day care homes shall be subject to the following additional standards.***

[1] ***an on-site off-street area shall be provided for vehicles to load and unload passengers; All loading and unloading is completed via the on-site parking spaces***

[2] ***facilities for vehicular access to and from the site of the day care home shall be arranged to permit vehicles to exit from the site without backing onto any street or sidewalk; No backing onto the street or sidewalk will be required with the proposed layout***

[3] ***an application for a special permit for a day care home shall be accompanied by a statement from the State of Tennessee, Department of Human Services, that***

such day care home can comply with all requirements of the State of Tennessee with respect to such use; This is not a day care home.

[4] screening may be required along the lot lines of the site of the day care home to block such day care home from the view of property classified in a residential zoning district and from the residential portion of an approved planned unit development; and, use is not a day care home and is not directly adjacent to residential

[5] required off-street parking shall be located on-site. All required parking is located on-site

Your thorough consideration of the requested special use permit is much appreciated. Please contact me if any additional information is required. I can be contacted at 615-890-7901 or via email at [mtaylor@sec-civil.com](mailto:mtaylor@sec-civil.com).

Sincerely,



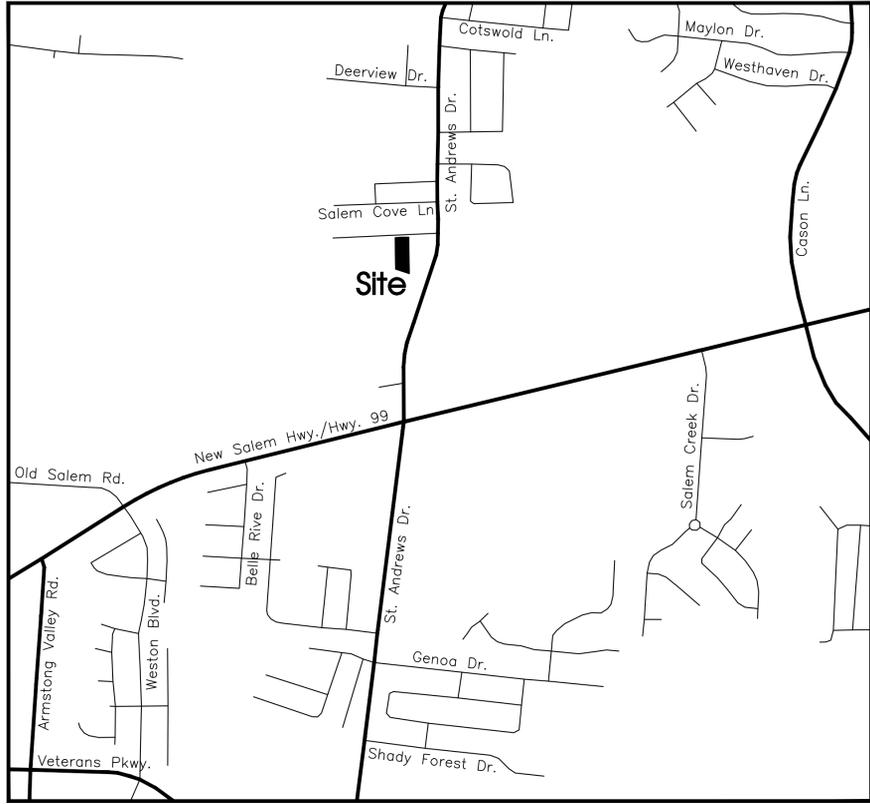
Matt Taylor, P.E.  
Vice President  
SEC, Inc.

# Salem Academy Daycare

## Murfreesboro, Tennessee BZA Special Use Permit Submittal

**Drawing Index**

Sheet No.	Title
1	Cover Sheet
2	Existing Conditions
3	Vicinity Map
4	BZA Exhibit
5	Landscape Plan



**Site Location Map**  
Not To Scale

**Owner/Developer:**  
Decker Investments, LLC  
2774 New Salem Hwy  
Murfreesboro, TN 37128

**Deed Reference:**  
R.Bk. \_\_\_\_, Pg. \_\_\_\_  
12th Civil District in Rutherford County  
Map 114, Parcel 2.00

**Yard Requirements:**  
Front: 30'  
Side: 10'  
Rear: 20'

**Land Use Data:**  
Zoned: OG  
1 Lot on: 0.73± Acres

**Flood Map No.:**  
This site lies within Zone X, not in the  
100 Year Floodplain, per Community Panel  
47149C0255H dated January 5, 2007.

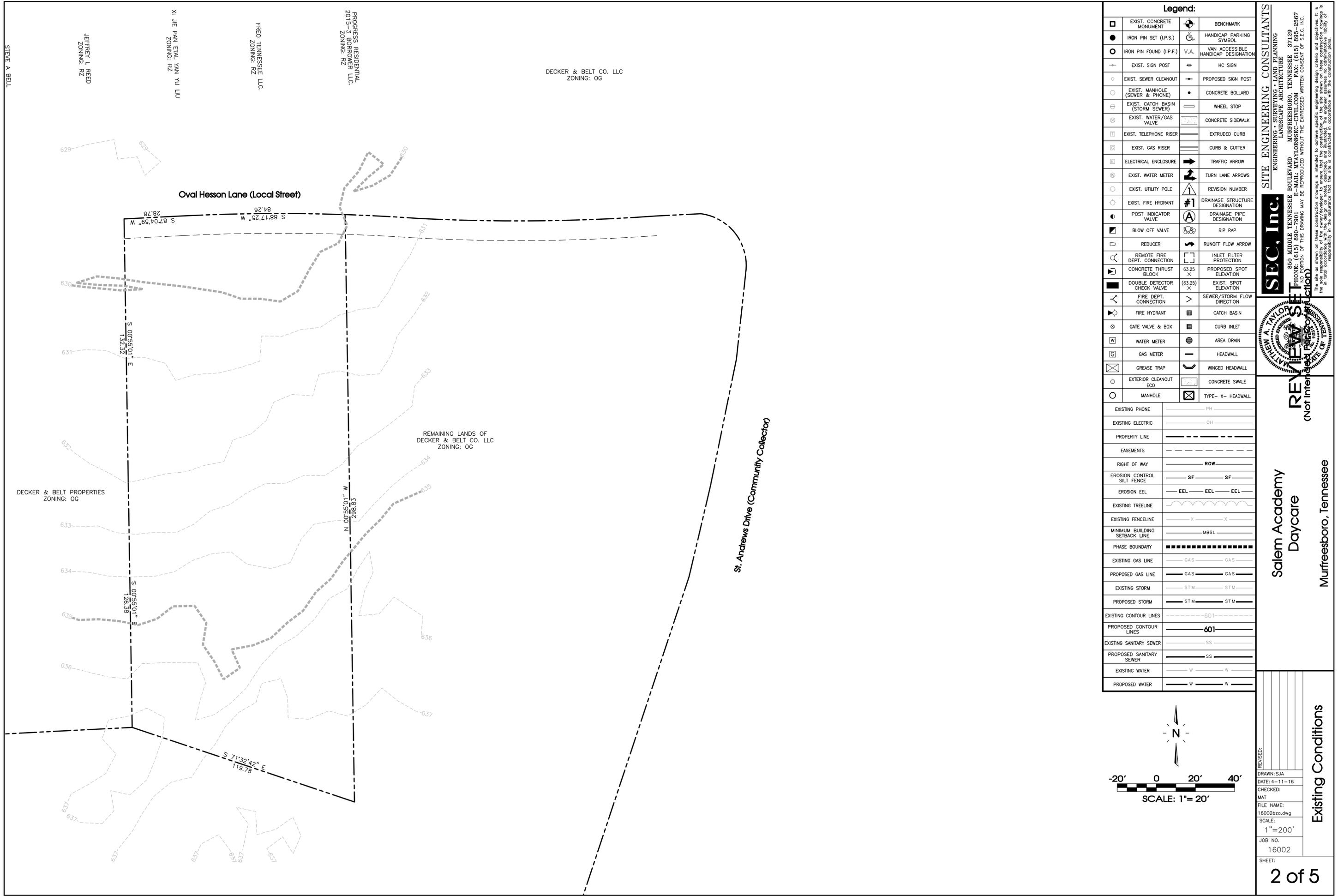
**Parking Requirements:**  
Required:  $\frac{1}{300} \text{ Sq.Ft.} \times 5,580 \text{ Sq.Ft.} + \frac{1.5}{2 \text{ Employees}} \times 18 \text{ Employees} = 32$   
Provided: 34 Regular Spaces + 2 H.C. Spaces = 36 Total Spaces Provided

**SEC, Inc.** SITE ENGINEERING CONSULTANTS  
ENGINEERING • SURVEYING • LAND PLANNING

850 MIDDLE TENNESSEE BOULEVARD MURFREESBORO, TENNESSEE 37129  
PHONE: (615) 890-7901 E-MAIL: MTAYLOR@SEC-CIVIL.COM FAX: (615) 895-2567  
NO PORTION OF THIS DRAWING MAY BE REPRODUCED WITHOUT THE EXPRESSED WRITTEN CONSENT OF S.E.C. INC.

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Matthew A. Taylor, P.E. TN. Reg. #112515





**Legend:**

□	EXIST. CONCRETE MONUMENT	⊕	BENCHMARK
●	IRON PIN SET (I.P.S.)	⊕	HANDICAP PARKING SYMBOL
○	IRON PIN FOUND (I.P.F.)	V.A.	VAN ACCESSIBLE HANDICAP DESIGNATION
+	EXIST. SIGN POST	+	HC SIGN
+	EXIST. SEWER CLEANOUT	+	PROPOSED SIGN POST
○	EXIST. MANHOLE (SEWER & PHONE)	●	CONCRETE BOLLARD
⊕	EXIST. CATCH BASIN (STORM SEWER)	⊕	WHEEL STOP
⊗	EXIST. WATER/GAS VALVE	⊕	CONCRETE SIDEWALK
⊕	EXIST. TELEPHONE RISER	⊕	EXTRUDED CURB
⊕	EXIST. GAS RISER	⊕	CURB & GUTTER
⊕	ELECTRICAL ENCLOSURE	➔	TRAFFIC ARROW
⊕	EXIST. WATER METER	➔	TURN LANE ARROWS
⊕	EXIST. UTILITY POLE	⚠	REVISION NUMBER
⊕	EXIST. FIRE HYDRANT	#1	DRAINAGE STRUCTURE DESIGNATION
⊕	POST INDICATOR VALVE	A	DRAINAGE PIPE DESIGNATION
⊕	BLOW OFF VALVE	⊕	RIP RAP
⊕	REDUCER	➔	RUNOFF FLOW ARROW
⊕	REMOTE FIRE DEPT. CONNECTION	⊕	INLET FILTER PROTECTION
⊕	CONCRETE THRUST BLOCK	⊕	PROPOSED SPOT ELEVATION
⊕	DOUBLE DETECTOR CHECK VALVE (63.25)	⊕	EXIST. SPOT ELEVATION
⊕	FIRE DEPT. CONNECTION	⊕	SEWER/STORM FLOW DIRECTION
⊕	FIRE HYDRANT	⊕	CATCH BASIN
⊕	GATE VALVE & BOX	⊕	CURB INLET
⊕	WATER METER	⊕	AREA DRAIN
⊕	GAS METER	⊕	HEADWALL
⊕	GREASE TRAP	⊕	WINGED HEADWALL
⊕	EXTERIOR CLEANOUT ECO	⊕	CONCRETE SWALE
⊕	MANHOLE	⊕	TYPE- X- HEADWALL

EXISTING PHONE	PH
EXISTING ELECTRIC	OH
PROPERTY LINE	---
EASEMENTS	---
RIGHT OF WAY	ROW
EROSION CONTROL SILT FENCE	SF SF
EROSION EEL	EEL EEL EEL
EXISTING TREELINE	~ ~ ~
EXISTING FENCELINE	X X
MINIMUM BUILDING SETBACK LINE	MBSL
PHASE BOUNDARY	-----
EXISTING GAS LINE	GAS GAS
PROPOSED GAS LINE	GAS GAS
EXISTING STORM	STM STM
PROPOSED STORM	STM STM
EXISTING CONTOUR LINES	-601-
PROPOSED CONTOUR LINES	601
EXISTING SANITARY SEWER	SS
PROPOSED SANITARY SEWER	SS
EXISTING WATER	W W
PROPOSED WATER	W W

Scale: 1" = 20'

North Arrow

Scale: -20' 0 20' 40'

Scale: 1" = 20'

REVISIONS:

DATE:	4-11-16
CHECKED:	MAT
FILE NAME:	16002bzo.dwg
SCALE:	1"=200'
JOB NO.	16002
SHEET:	2 of 5

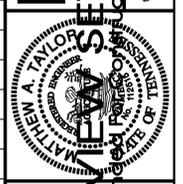
SALEM ACADEMY DAYCARE

MURFREESBORO, TENNESSEE

Existing Conditions

2 of 5

**SFC, Inc.**  
 850 MIDDLE TENNESSEE BOULEVARD  
 MURFREESBORO, TENNESSEE 37129  
 PHONE: (615) 890-7901 E-MAIL: MTAYLOR@SFC-CIVIL.COM FAX: (615) 895-2567



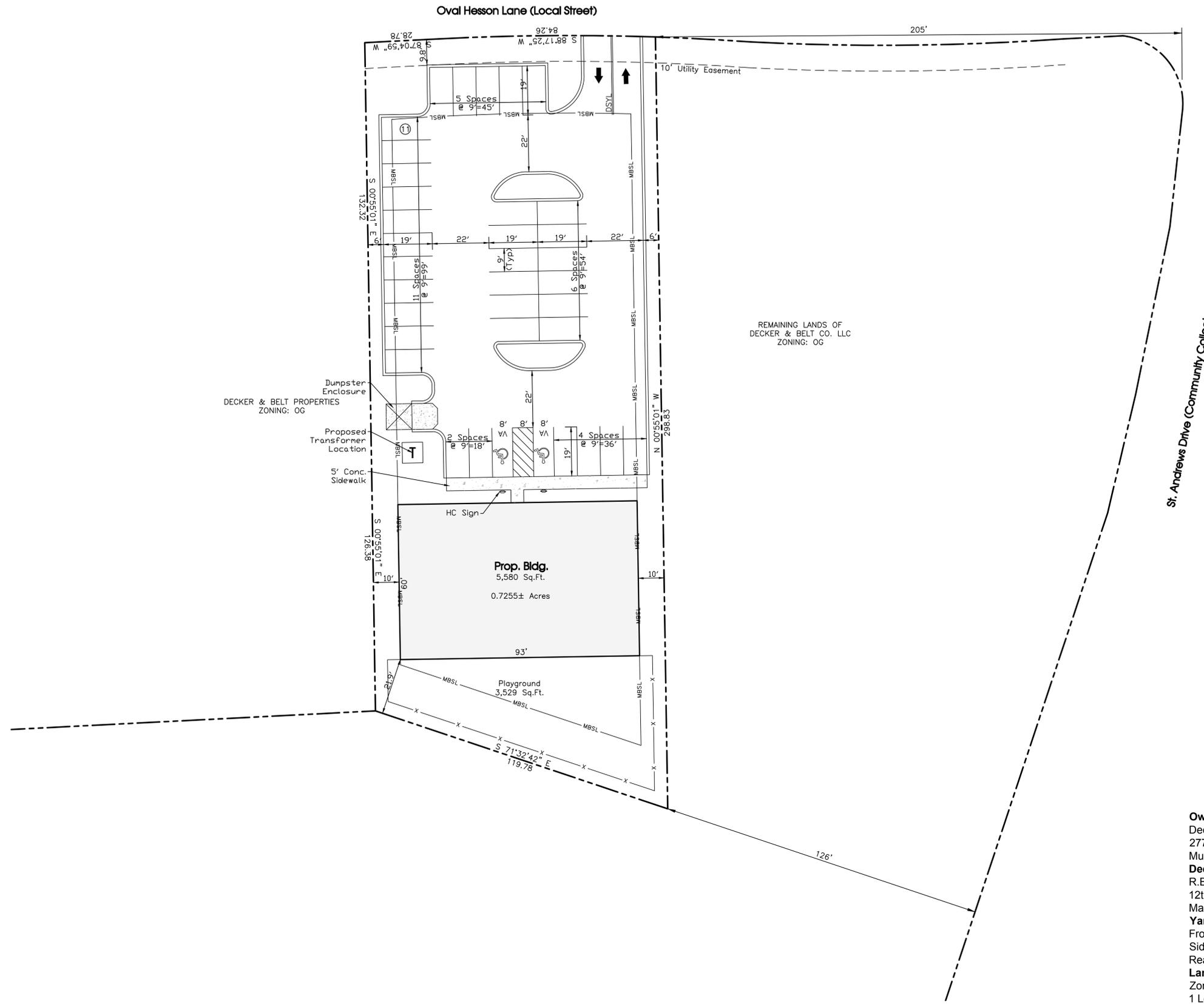
REVISION SET  
 (Not for Construction)

SALEM ACADEMY DAYCARE  
 MURFREESBORO, TENNESSEE

Existing Conditions

2 of 5





DECKER & BELT PROPERTIES  
ZONING: OG

Dumpster Enclosure

Proposed Transformer Location

5' Conc. Sidewalk

REMAINING LANDS OF  
DECKER & BELT CO. LLC  
ZONING: OG

St. Andrews Drive (Community Collector)

**Land Use Calculations:**  
 F.A.R. =  $\frac{5580}{31603} = 0.18 < 0.3$   
 O.S.R. =  $\frac{31603-5580}{31603} = 0.82 > 0.6$   
 L.S.R. =  $\frac{(31603-5580)-14387}{31603} = 0.37 > 0.28$

**Owner/Developer:**  
 Decker Investments, LLC  
 2774 New Salem Hwy  
 Murfreesboro, TN 37128

**Deed Reference:**  
 R.Bk. \_\_\_\_, Pg. \_\_\_\_  
 12th Civil District in Rutherford County  
 Map 114, Parcel 2.00

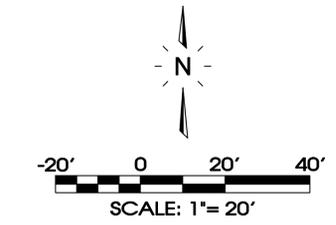
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**Flood Map No.:**  
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 Provided: 34 Regular Spaces + 2 H.C. Spaces = 36 Total Spaces Provided

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●	IRON PIN SET (I.P.S.)	⊙	HANDICAP PARKING SYMBOL
○	IRON PIN FOUND (I.P.F.)	V.A.	VAN ACCESSIBLE HANDICAP DESIGNATION
+	EXIST. SIGN POST	+	HC SIGN
○	EXIST. SEWER CLEANOUT	+	PROPOSED SIGN POST
○	EXIST. MANHOLE (SEWER & PHONE)	●	CONCRETE BOLLARD
⊖	EXIST. CATCH BASIN (STORM SEWER)	—	WHEEL STOP
⊗	EXIST. WATER/GAS VALVE	—	CONCRETE SIDEWALK
⊞	EXIST. TELEPHONE RISER	—	EXTRUDED CURB
⊞	EXIST. GAS RISER	—	CURB & GUTTER
⊞	ELECTRICAL ENCLOSURE	→	TRAFFIC ARROW
⊞	EXIST. WATER METER	↔	TURN LANE ARROWS
○	EXIST. UTILITY POLE	⚠	REVISION NUMBER
○	EXIST. FIRE HYDRANT	#1	DRAINAGE STRUCTURE DESIGNATION
⊙	POST INDICATOR VALVE	A	DRAINAGE PIPE DESIGNATION
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⊞	REMOTE FIRE DEPT. CONNECTION	⊞	INLET FILTER PROTECTION
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⊞	DOUBLE DETECTOR CHECK VALVE (63.25)	63.25 X	EXIST. SPOT ELEVATION
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⊞	WATER METER	⊞	AREA DRAIN
⊞	GAS METER	—	HEADWALL
⊞	GREASE TRAP	—	WINGED HEADWALL
○	EXTERIOR CLEANOUT	—	CONCRETE SWALE
○	MANHOLE	⊞	TYPE- X- HEADWALL
EXISTING PHONE	PH	EXISTING ELECTRIC	OH
PROPERTY LINE	---	EASEMENTS	---
RIGHT OF WAY	ROW	EROSION CONTROL SILT FENCE	SF SF
EROSION EEL	EEL EEL EEL	EXISTING TREELINE	~ ~ ~
EXISTING FENCELINE	X X	MINIMUM BUILDING SETBACK LINE	MBSL
PHASE BOUNDARY	-----	EXISTING GAS LINE	GAS GAS
PROPOSED GAS LINE	GAS GAS	EXISTING STORM	STM STM
PROPOSED STORM	STM STM	EXISTING CONTOUR LINES	-601-
PROPOSED CONTOUR LINES	601	EXISTING SANITARY SEWER	SS
PROPOSED SANITARY SEWER	SS	EXISTING WATER	W W
PROPOSED WATER	W W		



**SITE ENGINEERING CONSULTANTS**  
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**SSEC, Inc.**  
 850 MIDDLE TENNESSEE BOULEVARD MURFREESBORO, TENNESSEE 37129  
 PHONE: (615) 890-7901 E-MAIL: MTAYLOR@SEC-CIVIL.COM FAX: (615) 895-2567  
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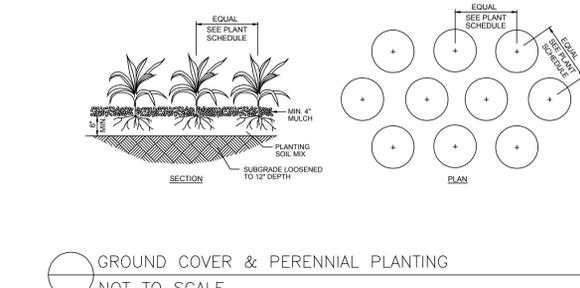
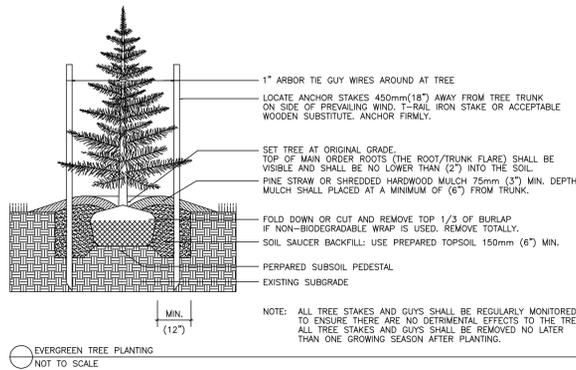
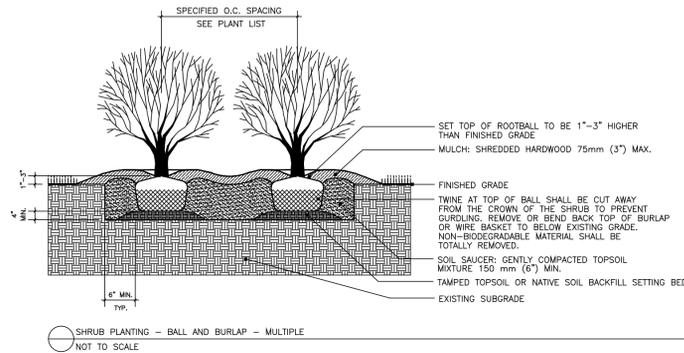
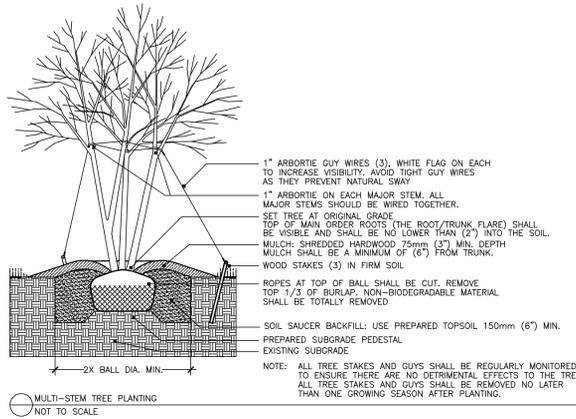
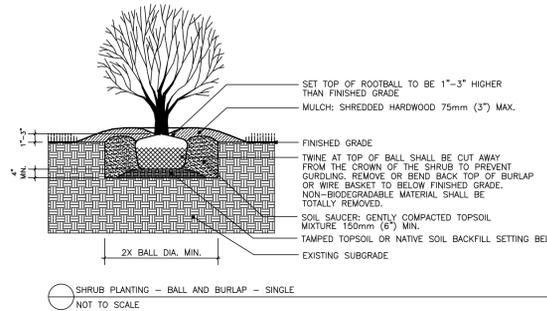
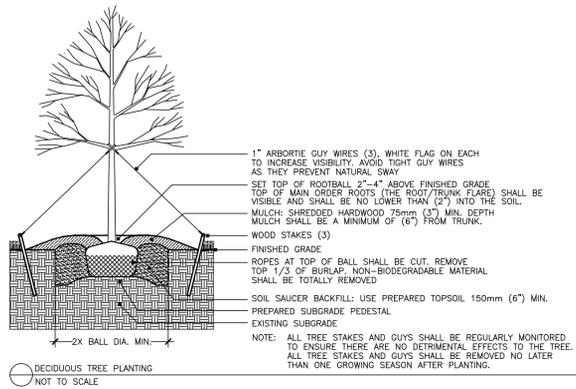
**REVISION SET**  
 (Not for Construction)

**Salem Academy Daycare**  
 Murfreesboro, Tennessee

**Site Plan**

REVISIONS:  
 DRAWN: SJA  
 DATE: 4-11-16  
 CHECKED:  
 MAT  
 FILE NAME:  
 16002bzo.dwg  
 SCALE:  
 1" = 20'  
 JOB NO.  
 16002  
 SHEET:  
 4 of 5





LANDSCAPE NOTES

1. THE LANDSCAPE CONTRACTOR SHALL VERIFY THE EXACT LOCATION OF ALL UTILITIES AND TAKE NECESSARY PRECAUTIONS TO PREVENT DAMAGE TO THESE UTILITIES.
2. THE LANDSCAPE CONTRACTOR SHALL COORDINATE ALL CONSTRUCTION WITH THE APPROPRIATE UTILITY COMPANY AND SHALL BE RESPONSIBLE FOR AND DAMAGE TO UTILITIES.
3. PLANT MATERIALS AND STUMPS INDICATED FOR REMOVAL SHALL BE REMOVED AND DISPOSED OFF-SITE BY THE CONTRACTOR. BACKFILL HOLES WITH TOPSOIL FREE OF ROOTS AND ROCKS.
4. TREAT ALL LANDSCAPE BEDS WITH PRE-EMERGENT HERBICIDE PRIOR TO PLANTING. THE LANDSCAPE CONTRACTOR IS RESPONSIBLE FOR ALL WEEDING UNTIL FINAL ACCEPTANCE.
5. THE LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR THE FINE GRADING OF ALL PLANTING AREAS.
6. THE LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR COMPLETELY MAINTAINING THE WORK (INCLUDING BUT NOT LIMITED TO: WATERING, MULCHING, SPRAYING, FERTILIZING, ETC.) OF ALL PLANTING AREAS AND LAWNS PER PROJECT SPECIFICATIONS UNTIL FINAL ACCEPTANCE OF THE WORK BY THE OWNER.
7. PROVIDE TREES, SHRUBS, AND PLANTS OF QUALITY, SIZE, GENUS, SPECIES AND VARIETY SHOWN AND SCHEDULED FOR LANDSCAPE WORK AND COMPLYING WITH RECOMMENDATIONS AND REQUIREMENTS OF ANSI Z60.1 "AMERICAN STANDARD FOR NURSERY STOCK", HEIGHT AND WIDTH SHOWN ARE MINIMUM SIZES.
8. THE LANDSCAPE CONTRACTOR SHALL COMPLETELY GUARANTEE ALL WORK FOR A PERIOD OF ONE YEAR BEGINNING AT THE DATE OF ACCEPTANCE. THE LANDSCAPE CONTRACTOR SHALL MAKE ALL REPLACEMENTS PROMPTLY (AS PER DIRECTION OF OWNER).
9. THE LANDSCAPE CONTRACTOR SHALL PROVIDE THE OWNER WITH WRITTEN INSTRUCTIONS ON THE PROPER CARE OF ALL SPECIFIED PLANT MATERIALS PRIOR TO FINAL PAYMENT.
10. THE QUANTITIES INDICATED ON THE PLANT SCHEDULE AND PLAN ARE FOR THE CONVENIENCE OF THE CONTRACTOR. THE CONTRACTOR SHALL BE RESPONSIBLE FOR HISHER OWN QUANTITY CALCULATION AND THE LIABILITY WHICH PERTAINS TO THOSE QUOTATIONS. ANY DISCREPANCY SHALL BE CALLED TO THE ATTENTION OF THE LANDSCAPE ARCHITECT IMMEDIATELY.
11. EXISTING TREES TO REMAIN SHALL BE PROTECTED FROM CONSTRUCTION DAMAGE. SELECTIVELY PRUNE DEAD WOOD.
12. SEED OR SOO ALL AREAS DISTURBED BY CONSTRUCTION AND NOT DESIGNATED AS GROUNDCOVER AREAS.
13. SHRUBS AND GROUNDCOVER BEDS TO BE PLANTED IN A TRIANGULAR SPACING. SEE PLANTING SCHEDULE FOR DISTANCES.
14. UPON COMPLETION AND FINAL ACCEPTANCE OF THE LANDSCAPE INSTALLATION, A THREE (3) YEAR LANDSCAPE MAINTENANCE BOND WILL BE REQUIRED. THIS BOND SHOULD E SUBMITTED IN THE NAME OF THE PROPERTY OWNER OF RECORD OR A LEASE HOLDER WHO HAS TEN (10) YEARS OR MORE REMAINING ON A CURRENT LEASE. THE PROPERTY OWNER/LEASE HOLDER SHOULD ALLOW ADEQUATE TIME TO OBTAIN THE BOND AS THIS PROCESS MAY BE LENGTHY AND MAY DELAY THE ISSUEANCE OF THE CERTIFICATE OF OCCUPANCY.

SITE ENGINEERING CONSULTANTS  
ENGINEERING • SURVEYING • LAND PLANNING  
LANDSCAPE ARCHITECTURE

SEC, Inc.

850 MIDDLE TENNESSEE BOULEVARD  
MURFREESBORO, TENNESSEE 37129  
PHONE: (615) 890-7901 E-MAIL: [info@secinc.com](mailto:info@secinc.com)  
FAX: (615) 895-2567

This site plan shows the construction details to include the utility, site, landscape, and other details. It is the responsibility of the owner/contractor to ensure that the construction of the site plan or these construction drawings is in total accordance with the design and construction of the site plan. The engineer assumes no administrative liability or responsibility for the construction of the site plan or these construction drawings.



Salem Academy  
Daycare  
Murfreesboro, Tennessee

Details and Notes

REVISED:	
DRAWN: SLB	
DATE: 4-11-2016	
CHECKED: RSM	
FILE NAME: 16002_LA	
SCALE: NONE	
JOB NO. 16002	
SHEET: L2.0	

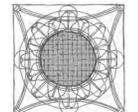


Know what's below.  
Call before you dig.

# SALEM ACADEMY

## OVAL HESSON LANE, MURFREESBORO, TENNESSEE

**SCOTT WILSON**  
**ARCHITECT LLC**  
 FRANKLIN, TN (615)377-9131



### GENERAL NOTES

1. These drawings and all copyright privileges are the property of the Architect. Unauthorised use of these drawings shall be subject to prosecution.
2. The Architect shall be consulted prior to deviation from these plans.
3. The builder shall only use materials and systems that comply with all regulatory requirements, and notify the Architect of any deviations from the plans or specifications.
4. The Contractor shall verify on site, all existing and new conditions, construction dimensions, utility locations and notify owner's representative immediately of any discrepancies.
5. Contractor shall not scale drawings. If dimensions are in question, the Contractor shall obtain clarification from the Owner's representative before continuing with construction.
6. Contractor shall provide temporary utilities, erosion control, disposal facilities and toilet facilities during construction.
7. Contractor shall employ licensed surveyor for proper building siting. Owner's rep. shall approve location prior to beginning any construction.
8. Soil poisoning to be by licensed pest control company. Provide letter of acceptance to Owner along with a 5 year guarantee.
9. Contractor to provide exterior drainage system with outlet at low point minimum 5'-0" from building. Minimum drain size to be 4" dia.
10. Provide perimeter trench and positive drain in crawl space and below all slabs, with 4" outlet at low point.
11. All drywall partitions are dimensioned to face of stud unless indicated otherwise.
12. Contractor shall provide additional structure as required to support equipment and / or misc. items including casework, cabinets, tubs, window treatments, etc.
13. Unless otherwise noted or detailed, all pipe chases are to have 6" min. studs with water-proof drywall on wet side of wall .
14. All roof penetrations to be located to minimize visual impact and be painted to match roof color.
15. All exterior materials and finishes, including colors, shall be submitted to the Architect for approval prior to installation.
16. Contractor shall provide all shop drawings and submittals indicated on these drawings and in project specifications.
17. Contractor shall maintain a complete set of drawings and specifications on job site at all times work is in progress.



### SHEET INDEX

SHEET INDEX		
ID	Name	Published
A0.0	COVER SHEET	■
A0.1	LIFE SAFETY & CODE DATA	■
A1.0	MAIN LEVEL PLAN	■
A1.1	ROOF PLAN	■
A2.0	FRONT & REAR ELEVATIONS	■
A2.1	RIGHT & LEFT ELEVATIONS	■
A3.0	WALL SECTION & DETAILS	□
A4.0	SCHEDULES DETAILS	□
S1.0	FOUNDATION PLAN	□
E1.0	MAIN LEVEL ELECTRICAL PLAN	□
E1.1	UPPER LEVEL ELECTRICAL PLAN	□

PROJECT NO.: #Pb  
 DATE: 4/11/2016  
 REVISIONS:  
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 ARCHITECT L.L.C.  
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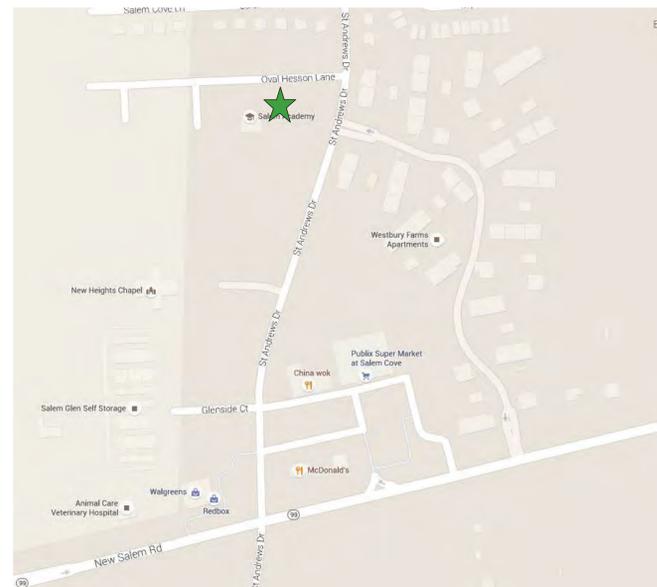
### AREA TABULATIONS

AREA CALCULATIONS H&C	
AREA	GROSS S.F.
MAIN LEVEL	5,641.98
<b>TOTAL</b>	<b>5,641.98 sq ft</b>

### CODES REFERENCED

- APPLICABLE CODES:**
1. 2012 INTERNATIONAL BUILDING
  2. 2012 INTERNATIONAL PLUMBING CODE
  3. 2012 INTERNATIONAL MECHANICAL CODE
  4. 2012 INTERNATIONAL FUEL GAS CODE
  5. 2012 INTERNATIONAL RESIDENTIAL CODE (EXCLUDING CH 11)
  6. 2012 INTERNATIONAL FIRE CODE
  7. 2009 ENERGY CONSERVATION CODE
  8. 2008 NATIONAL ELECTRIC CODE
- ANSI A117.1 - 2009 ACCESSIBLE AND USABLE BUILDINGS AND FACILITIES

### VICINITY MAP



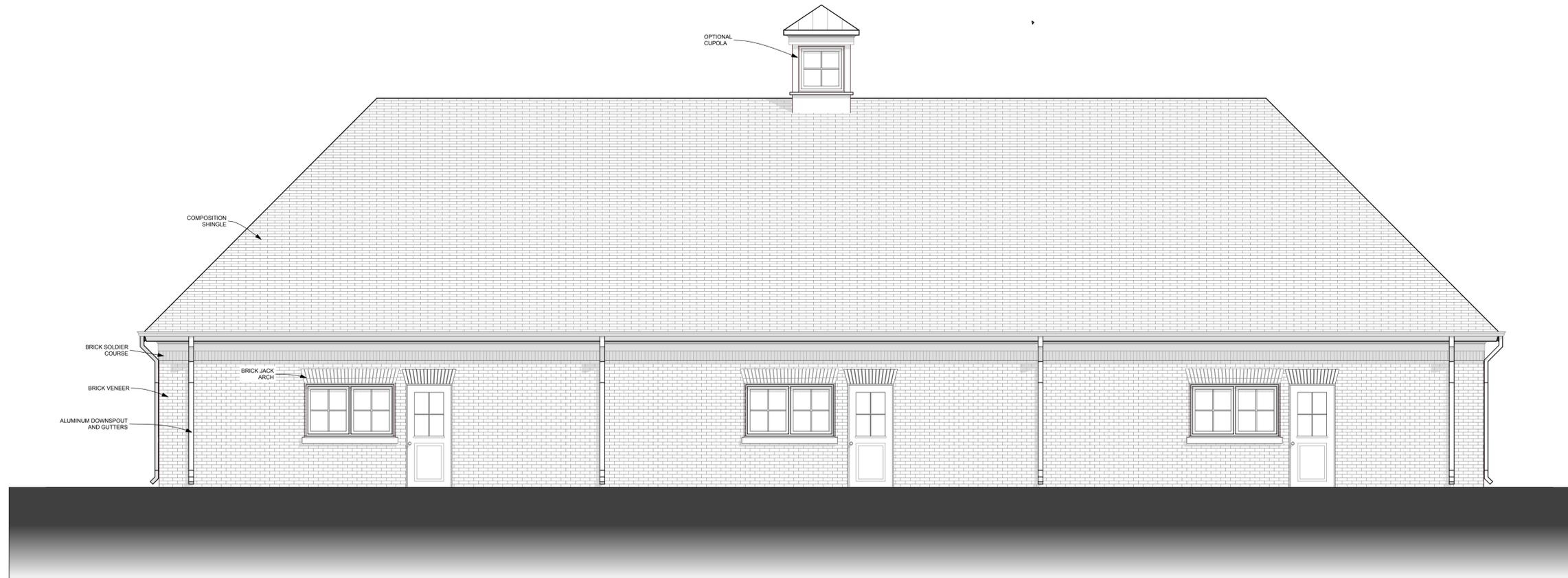
### CONTACTS

<b>ARCHITECT:</b> SCOTT WILSON ARCHITECT LLC. Scott Wilson, AIA NCARB 317 Main Street, Suite 202 Franklin, TN, 37174 Scott@swallc.com 615-937-4810	<b>OWNER/ CONTRACTOR</b> Dan Decker Decker Investments, LLC 2774 New Salem Hwy Murfreesboro, TN 37128	<b>CIVIL ENGINEER</b> Matt Taylor SEC, Inc. 850 Middle Tennessee Blvd Murfreesboro, TN, 37129 615-890-7901	<b>MP&amp;E ENGINEER</b>
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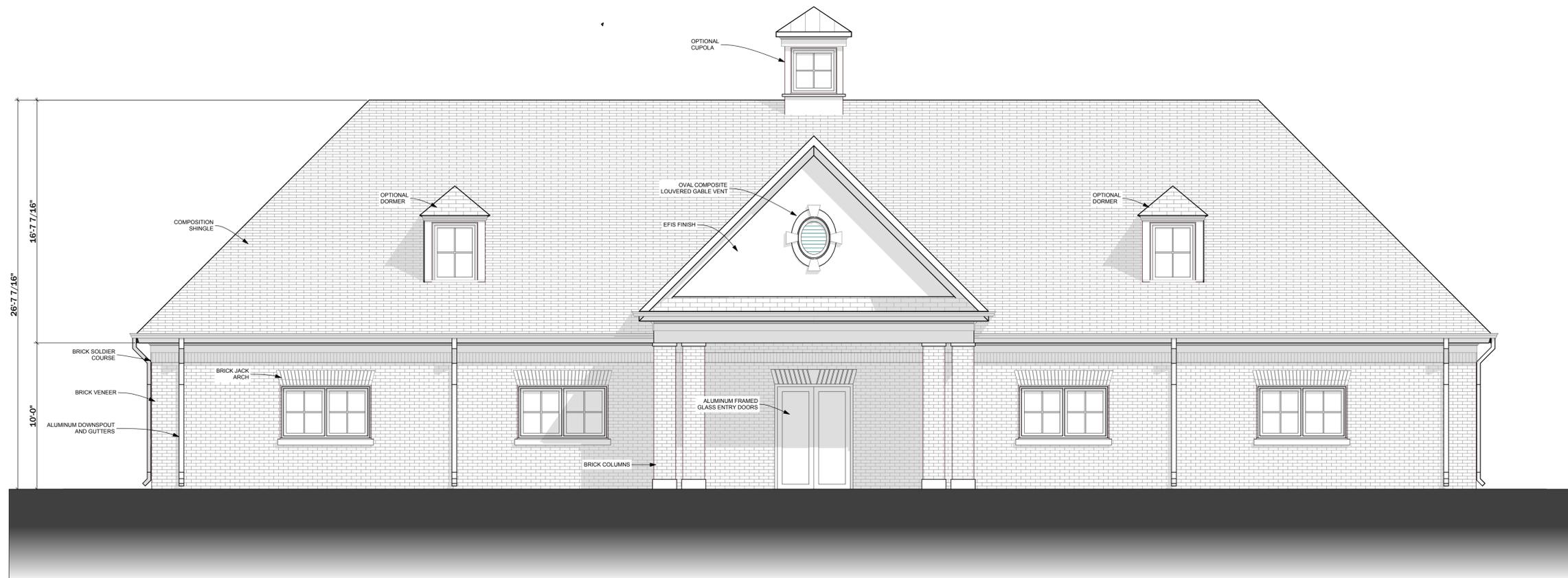
TENNESSEE

COVER SHEET  
 SALEM ACADEMY  
 MURFREESBORO

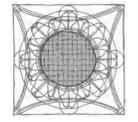
A0.0



REAR ELEVATION 2  
SCALE: 1/4" = 1'-0"



FRONT ELEVATION 1  
SCALE: 1/4" = 1'-0"

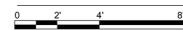
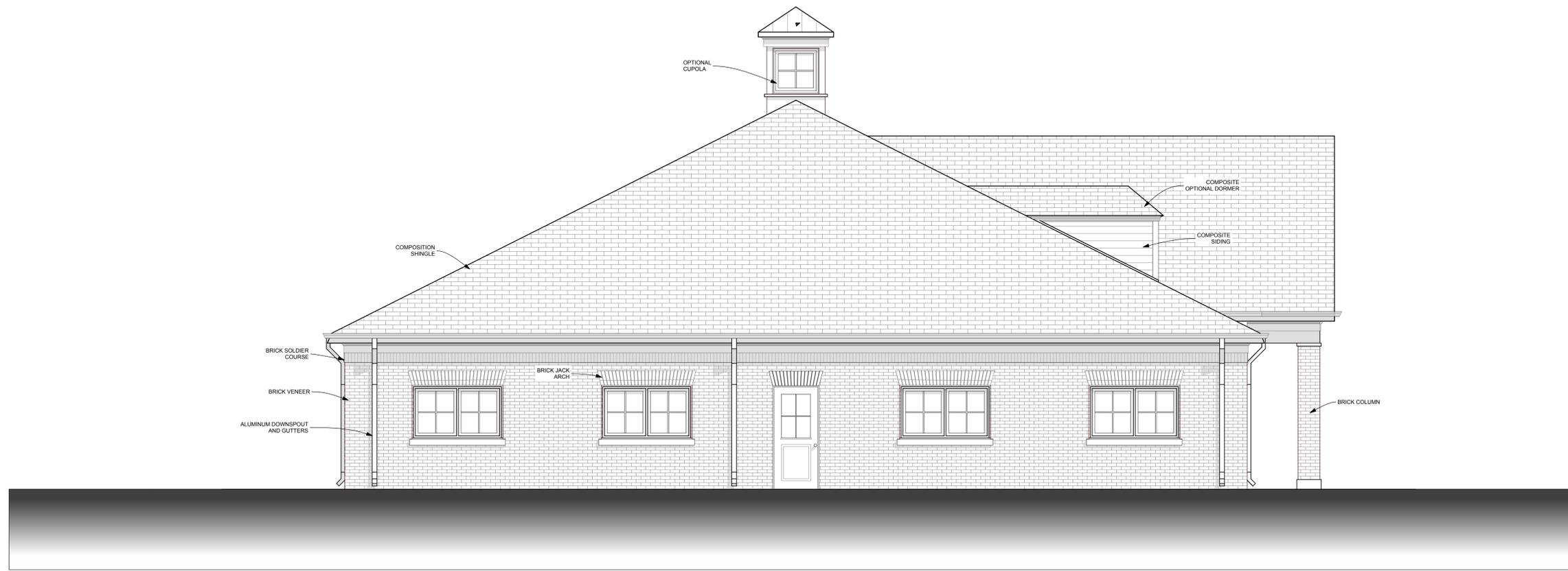


PROJECT NO.: #Pn  
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TENNESSEE

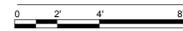
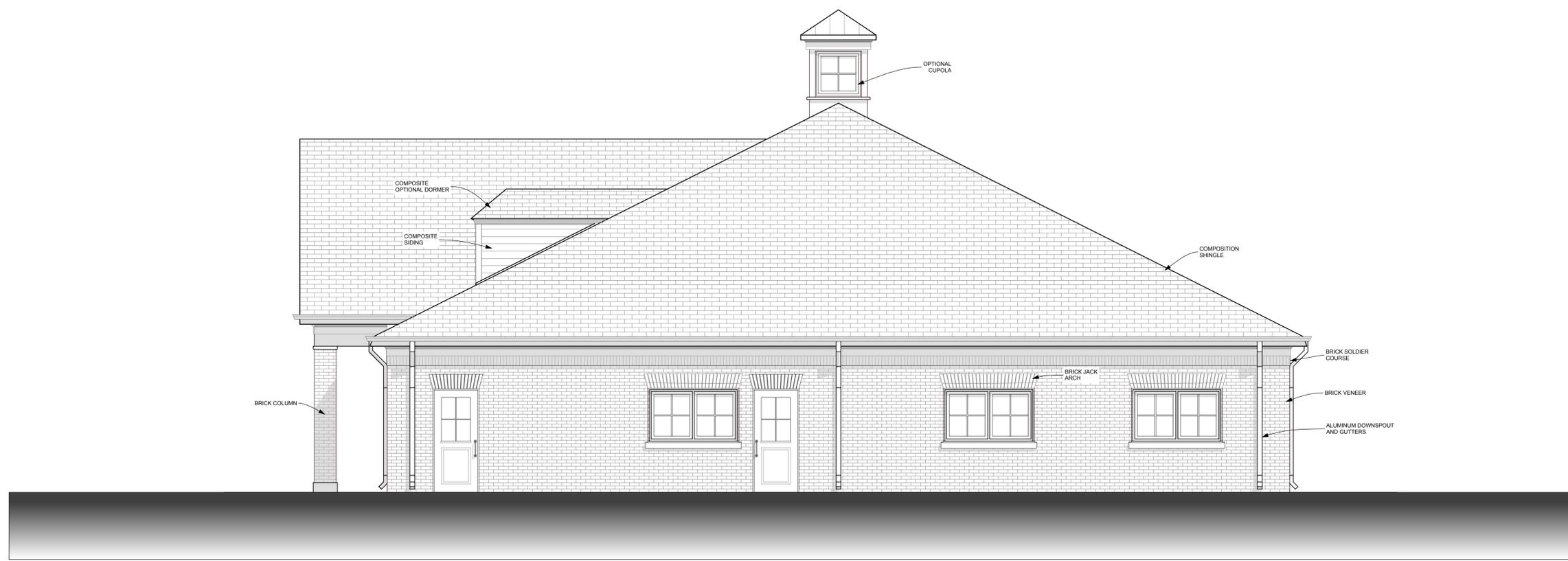
FRONT & REAR ELEVATIONS  
SALEM ACADEMY  
MURFREESBORO

A2.0



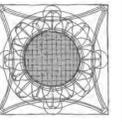
LEFT ELEVATION  
SCALE: 1/4" = 1'-0"

2



RIGHT ELEVATION  
SCALE: 1/4" = 1'-0"

1



PROJECT NO.: #P16  
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TENNESSEE

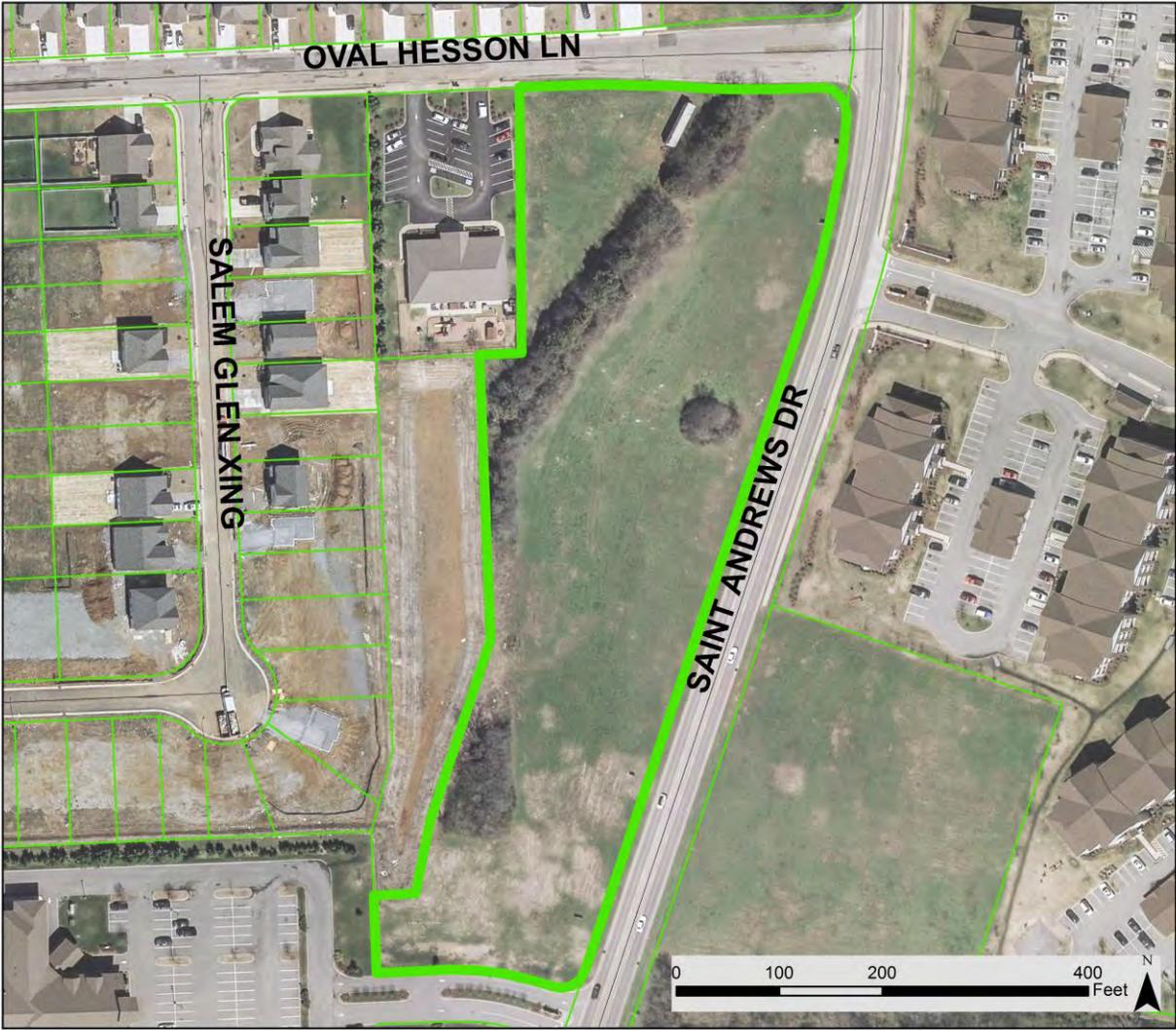
RIGHT & LEFT ELEVATIONS  
SALEM ACADEMY  
MURFREESBORO

A2.1

Photographs for Z-16-029  
Oval Hesson Lane



Aerial photograph of property along Oval Hesson Lane.



Aerial photograph of property along Oval Hesson Lane.



View of existing daycare building and adjacent vacant lot taken from Oval Hesson Lane looking to the southwest.



View of subject property taken from Oval Hesson Lane looking to the south.

**MURFREESBORO BOARD OF ZONING APPEALS  
STAFF REPORT  
APRIL 27, 2016**

**Application:** Z-16-030  
**Location:** 720 Old Salem Road  
**Applicant:** John Rudd of Stepping Stones Safe Haven, Inc.  
**Zoning:** Multi-Family Residential (RM-12) District  
**Request:** A Special Use Permit to operate a Group Shelter



## **Request Overview**

The applicant, Dr. John Rudd of Stepping Stones Safe Haven, Inc., wishes to operate a group shelter on the property located at 720 Old Salem Road. The subject property is a 0.72-acre parcel situated at the northwest corner of Old Salem Road and Douglas Avenue. A metal structure measuring approximately 140 feet in width by 225 feet in depth is presently located on the site. The structure was previously used as a satellite campus of Calvary Baptist Church. In the attached request letter, the applicant indicates that if the Special Use Permit is approved, the structure will house the main offices for Stepping Stones Safe Haven and will provide shelter and meeting space for homeless women being served by the organization. The applicant anticipates serving 20 to 30 clients per week. The applicant attests that all standards of general applicability for granting a Special Use Permit will be met.

## **Staff Comments**

A Special Use Permit to operate a church on the site was granted to a preceding property owner, Westgate Baptist Church, in 1980. If the current applicant's Special Use Permit is approved, it will supplement—not replace—the Special Use Permit granted in 1980. Should the applicant not be successful in purchasing the property after obtaining a Special Use Permit, the structure could continue to be used as a church.

Section 9(D)(2)(pp) of the Murfreesboro Zoning Ordinance lists specific standards for Group Shelters. Per subsections 1 and 2, the applicant is required to provide an on-site off-street parking area with at least one parking space for every twelve beds plus one space for each employee on the largest shift plus one space for each business vehicle. Based on staff's calculations, ten parking spaces should be adequate for this use. The existing parking lot measures approximately 130 feet in width by 35 in depth, which should provide adequate room for ten parking spaces. Staff recommends that the Board condition any approval of the Special Use Permit on the applicant meeting all of the parking area design standards set forth in Section 26(C)(7) of the Murfreesboro Zoning Ordinance. These standards include paving the parking lot with a hard-surface, dustless material.

Per Section 9(D)(2)(pp)(3), the applicant is required to provide screening between the Group Shelter facility and adjoining properties. As shown on the attached photographs, an existing tree line provides screening between the existing structure and residential properties to the north and west. Staff recommends that the applicant be required to preserve all existing landscaping and provide supplementary landscaping where openings or gaps currently exist.

Per Section 9(D)(2)(pp)(7) the applicant is required to adhere to prescribed land use intensity ratios, specifically a maximum floor area ratio (FAR) of 0.30, a minimum livability space ratio (LSR) of 0.48, and a minimum open space ratio (OSR) of 0.70. Based on a lot area of 31,500 square feet, the maximum FAR for the site is 9,450 square feet. The existing structure is approximately 3,300 square feet in area, which meets the FAR requirement. The site's required livability space is 15,120 square feet. After subtracting the structure (3,300 square feet) and the parking area (4,550 square feet) from the total lot area of 31,500 square feet, the remaining

livability space is 23,650 square feet, which exceeds the LSR requirement. Finally, the maximum building coverage for the site is 9,450 square feet, meeting the OSR requirement.

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

**Conditions Recommended by Staff**

If the Board approves the applicant’s request for a Special Use Permit, staff recommends the following conditions:

- 1) The existing landscaping on the site—including all trees along the property lines—shall be preserved. Where openings or gaps exist along the existing tree row allowing clear visibility between the shelter facility and the neighboring residential properties to the north and west, the applicant shall supplement the existing tree row with additional plantings. The applicant may consult with the City’s Urban Environmental staff to determine the most appropriate plantings for screening the shelter facility.
- 2) The applicant shall provide a statement from the State of Tennessee, Department of Human Services or any other State sponsored agency or department, if any, that may have regulatory jurisdiction over such facilities, stating that such group shelter can comply with all requirements of the State of Tennessee with respect to such use.
- 3) The applicant shall follow all design standards listed in Section 26(C)(7) of the Murfreesboro Zoning Ordinance. These standards include—but are not limited to—refinishing the parking area with a hard surface dustless material.

**Attachments**

1. BZA Application
2. Applicant’s Supporting Materials
3. Site Photos

City of Murfreesboro  
BOARD OF ZONING APPEALS

HEARING REQUEST  
APPLICATION

Location/Street Address: 720 Old Salem Highway Road

Tax Map:                      Group:                      Parcel:                      Zoning District: RM-12

Applicant: John D. Rudd, MD    E-Mail: jrudd@aol.com

Address: 1034 N. Highland Ave                      Phone: (615) 210-7524

City: Murfreesboro                      State: TN                      Zip: 37130

Property Owner: Calvary Baptist Church    Dr. Mark Gregory

Address: 431 DeJarnette Ln                      Phone: (615) 896-2626

City: Murfreesboro                      State: TN                      Zip: 37130

Request: Obtain a Special Use Permit for 720

Old Salem Highway Road

Zoning District: RM-12

Applicant Signature: *John D. Rudd MD*                      Date: 4/11/16

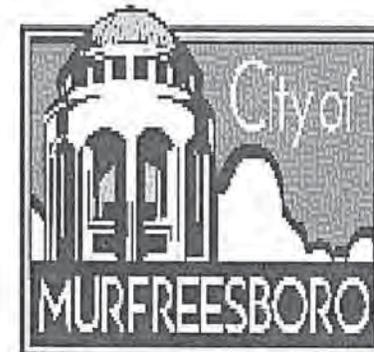
Received By: B. Davis

Receipt No.: 22738

Application #:

4-11-16

Murfreesboro  
Board of  
Zoning Appeals



T E N N E S S E E

HEARING APPLICATION  
AND  
GENERAL INFORMATION

BOARD OF ZONING APPEALS HEARING APPLICATION  
AND GENERAL INFORMATION

A-304 APPENDIX A - BOARD OF ZONING  
APPEALS INFORMATION

Stepping Stones Safe Haven, Inc.  
P.O. Box 331524  
Murfreesboro, TN 37133  
steppingstonessafehaven@gmail.com

April 8, 2016

Murfreesboro Board of Zoning Appeals,

Please accept this application and request for a Special Use Permit for 720 Old Salem Highway to operate a group shelter under the name Stepping Stones Safe Haven, Inc. Currently the property is owned by Calvary Baptist Church and is zoned RM-12(Multi-Family Residential). If the special use permit is issued Dr. John Rudd, founding board member of Stepping Stones Safe Haven, Inc will be purchasing the building to be used as Stepping Stones Safe Haven, Inc. Please find the attached site plan of the property and proposed use of space.

Proposed use of space:

1. Main offices for Stepping Stones Safe Haven, Inc
2. Seven days a week, 7am-6pm
3. Meeting spaces for homeless women to meet with their mentor to work on goals
4. Anticipated number of clients: 20-30 a week
5. No projected traffic issues; as many of the clients do not have vehicles.
6. There are no potential harmful characteristics of proposed special use.

Standards of general applicability:

1. The use of 720 Old Salem Highway by Stepping Stones Safe Haven will have no adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities, and any other matters affecting public health, safety, or general welfare.
2. 720 Old Salem Highway is an area that is both residential and commercial and therefore the use of the current building by Stepping Stones Safe Haven will be operated so as to be compatible with the immediate vicinity and not to interfere with the development of adjacent property in accordance with the applicable district regulations.
3. The use of 720 Old Salem Highway will be served adequately by essential public facilities and services such as highways, streets, parking spaces, drainage, refuse disposal, fire protection, and water and sewer.
4. Our proposed use of 720 Old Salem Highway will not result in the destruction, loss, or damage of any feature determined by the BZA to be of significant natural, scenic, or historic importance.

Group Shelter Standards

1. Currently there is adequate on-site off street parking at 720 Old Salem Highway.
2. Stepping Stones Safe Haven agrees to provide privacy fence along the lot lines of the site to meet standard.
3. Stepping Stones Safe Haven, Inc is a no-profit 501(3)C and there will be no State of Tennessee with regulatory jurisdiction.

Stepping Stones Safe Haven, Inc.  
P.O. Box 331524  
Murfreesboro, TN 37133  
steppingstonessafehaven@gmail.com

4. 720 Old Salem Highway is not within 1000 feet of another lawfully established group shelter.
5. 720 Old Salem Highway meets all the intensity ratios for group shelter zoning standards.



Memo To: The Planning Commission/Board of Zoning Appeals  
Re: Addendum to the Special Use Permit for 720 Old Salem Highway - Calvary Baptist Church, Murfreesboro, Tn

4-10-2016

Pursuant to the Proposed sale of Calvary Baptist Church's MidTown property, 720 Old Salem Highway to The Stepping Stones Ministry, Dr. Dan Rudd or a representative of Stepping Stones may apply on behalf of Calvary Baptist Church for an addendum to the current Special Use Permit for the property listed above. The addendum shall not replace the existing permit but shall add use privileges for the purposes as applied for by Stepping Stones.

Mark W. Gregory      4-10-16  
Dr. Mark W. Gregory, Senior Pastor and Director

Randy H. Ball      4/10/2016  
Director

Keith L. Young      4/10/2016  
Director

BLACK = PARKLING PURPLE = STRUCTURE RED = FENCE

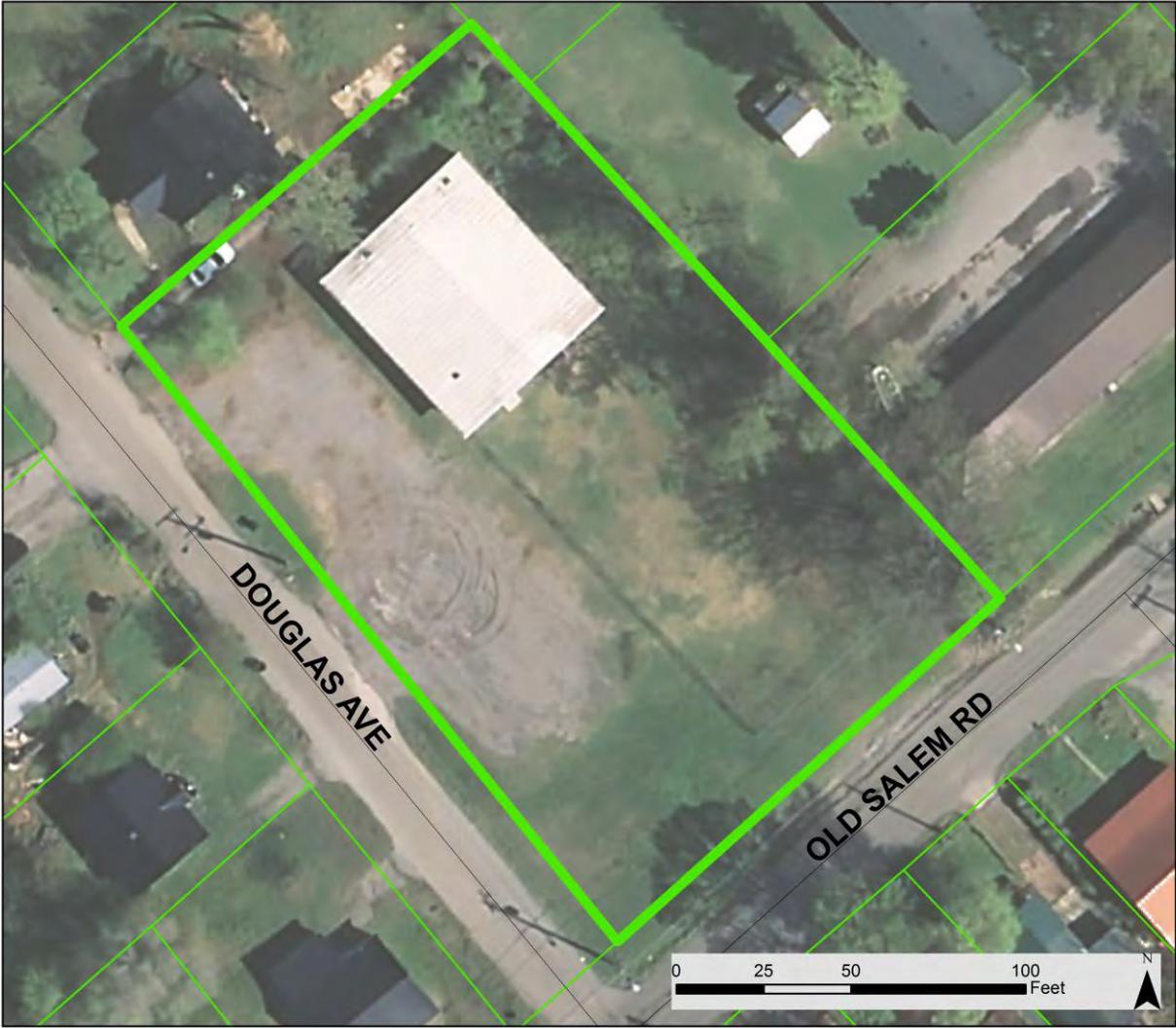


BRIGHT GREEN = LANDSCAPE/GRASS

Photographs for Z-16-030  
720 Old Salem Road



Aerial photograph of subject property.



Aerial photograph of subject property.



View of existing structure taken from Douglas Avenue looking to the northeast.



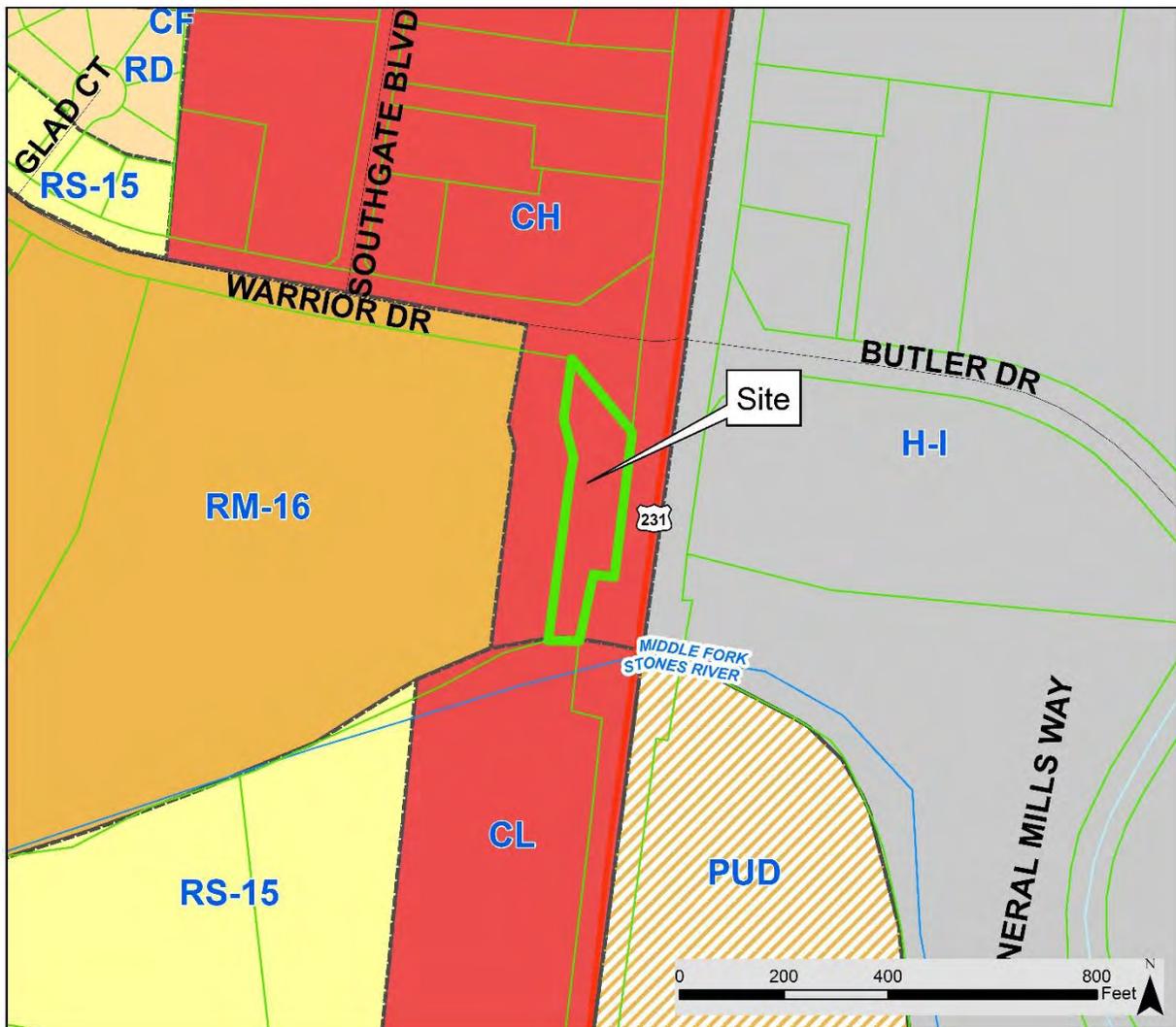
View of existing structure, gravel parking area, and fenced-in yard at 720 Old Salem Road. Photo taken from Douglas Avenue looking to the northeast.



View of existing gravel parking area and fenced-in side yard along Douglas Avenue and Old Salem Road. Photo taken from Douglas Avenue looking to the southeast toward Old Salem Road.

**MURFREESBORO BOARD OF ZONING APPEALS  
STAFF REPORT  
APRIL 27, 2016**

**Application:** Z-16-031  
**Location:** 2510 South Church Street  
**Applicant:** Alton Sims  
**Zoning:** Highway Commercial (CH) District  
**Request:** A Special Use Permit to operate a Temporary Outdoor Vending Establishment (Produce Sales)



## **Request Overview**

The applicant, Alton Sims, wishes to operate a Temporary Outdoor Vending Establishment for produce sales on property located at 2510 South Church Street, southwest of the intersection of South Church Street and Warrior Drive. A structure housing a tobacco store and a liquor store is situated toward the center of the subject property. The applicant's proposed produce sales stand would be located north of the existing structure, between the existing structure and Warrior Drive. The applicant has provided written permission from the property owner allowing the applicant to operate the produce sales stand on the site.

## **Staff Comments**

In the attached request letter, the applicant indicates that the produce sales stand will operate from 8:00 AM until 8:00 PM on selected days beginning on April 17, 2016, and ending on October 31, 2016. The applicant has provided a calendar exhibit that shows sales mostly limited to Fridays, Saturdays, and Sundays; the exception is the last week of October, when the applicant has indicated that the produce sales stand will be open each day of the week. Section 9(D)(2)(eeee) of the Zoning Ordinance places specific standards on temporary vendors. Subsection 15 limits the amount of time a site may be used for temporary vending to 70 days in any twelve month period. The applicant's calendar indicates that the site will be used by the applicant for 62 days; this allows another temporary vendor (typically a fireworks vendor) to utilize the site for eight days.

The produce sales area will consist of the applicant's truck and trailer along with two tents each measuring ten feet by ten feet. The applicant will remove the truck, trailer, and tents at the end of each business day. The site is located less than 200 feet from the nearest fire hydrant. The applicant has obtained written permission from the owner of the tobacco store allowing the applicant's customers to utilize the restrooms in the tobacco store. In the request letter, the applicant indicates that no power is needed for the sales area. Further, the applicant will collect and remove trash from the site on a daily basis. Because the width of the lot is limited (approximately 105 feet), staff will work with the applicant to ensure that there is no encroachment into the required 42-foot front yard setbacks along South Church Street and Warrior Drive.

The Board has previously granted permission to the applicant to operate a produce sales stand on the subject property. Though the existing lot is covered in gravel and does not meet Zoning Ordinance criteria of a hard-surface, dustless surface, the Board has previously acknowledged the lot's preexisting status and has allowed temporary outdoor vending establishments on the site. To Planning staff's knowledge, there have been no problems reported with the parking area or access to the site.

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

## **Conditions Recommended by Staff**

If the Board approves the application, staff recommends the following conditions:

- 1) Days of operation shall be limited to April 17, 2016, through October 31, 2016, on the dates specified in the applicant's calendar exhibit.
- 2) All tents and other structures shall comply with the minimum required setbacks for the CH zoning district including the 42-foot front setback and 20-foot rear setback.
- 3) All tents and other structures shall be removed from the site at the end of each business day.
- 4) Products shall not be displayed in the public right-of-way.

**Attachments**

1. BZA Application
2. Applicant's Supporting Materials
3. Site Photos

City of Murfreesboro  
BOARD OF ZONING APPEALS

HEARING REQUEST  
APPLICATION

Location/Street Address: 2510 S Church St

Tax Map: 113    Group:    Parcel: 30-02    Zoning District: CH

Applicant: Alton Sims    E-Mail:

Address: 832 Ardmore Hwy    Phone: 931 625 5672

City: Taft    State: TN    Zip: 38488

Property Owner: Barbara Fry

Address: 2510 Church St    Phone: 615 890 1207

City: Murfreesboro    State: TN    Zip: 37129

Request: Retail Sales of produce Special use  
Permit For temporary vending

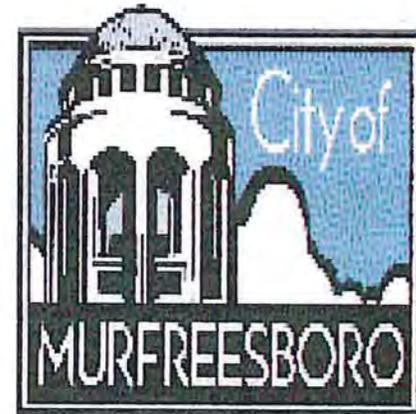
Zoning District: CH

Applicant Signature: Alton Sims    Date: 3-3-16

Received By: B. DAVIS    Receipt No.: 22735

Application #:    Date: 4-6-16

Murfreesboro  
Board of  
Zoning Appeals



T E N N E S S E E

HEARING APPLICATION  
AND  
GENERAL INFORMATION



# 2016 Board of Zoning Appeals Dates & Deadlines

Planning Department  
111 West Vine Street  
Murfreesboro, TN 37130  
615-893-6441 (office)  
615-849-2606 (fax)  
www.murfreesborotn.gov

## January

S	M	T	W	T	F	S
					★	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	★	19	20	21	22	23
24	25	26	27	28	29	30
31						

## February

S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	★	16	17	18	19	20
21	22	23	24	25	26	27
28	29					

## March

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6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

## April

S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

## May

S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	★	31				

## June

S	M	T	W	T	F	S
		1	2	3	4	
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

## July

S	M	T	W	T	F	S
					1	2
3	★	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

## August

S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

## September

S	M	T	W	T	F	S
				1	2	3
4	★	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

## October

S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

## November

S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	★	12
13	14	15	16	17	18	19
20	21	22	23	★	★	26
27	28	29	30			

## December

S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	★
23	★	25	26	27	28	29
30	31					

BZA meeting dates are denoted with a box. Submittal deadlines are denoted with a circle. Applications must be submitted no later than 3:00 PM on the submittal deadline. BZA meetings will start promptly at 1:00 PM unless otherwise noted. Holidays are noted with a star. Meeting and submission dates are subject to change. Please contact the Murfreesboro Planning Department to confirm dates and submittal deadlines 615-893-6441 or by email at: [danthony@murfreesborotn.gov](mailto:danthony@murfreesborotn.gov)

Section 8

3/30/16

A. Produce

- 1- Alton Sims or Tresa Whitten 615-293-6489
- 2- 201 W Cannon Blv. Shelbyville TN 37160  
931625 5672.

B. No Ownership leasing property from Mrs. Barbara Fry.

C. 1. See Attached

2

3

4

5

6



D. 2510 Church St. Murfreesboro TN 37129

E. See Attached

F. CH Commercial - Hwy

G. Special use permit for Temporary vending or Retail.

- Sale of Produce

1- Approx. 8am - 8pm

2- April 17<sup>th</sup> 2015 - Oct. 31 - 2015

3- Approx. 100-125 customers

4- Approx. 100-125 vehicles

H. I have been approved and sold at this location for the last 6 years with no harmful characteristics.

### Section 9

C. ① Everything will be removed at the end of each weekend tents or trash. There will be no loud noise that will the public. the site will be cleaned daily.

② There is no known matters

③ Not using any public services. there will be minimal impact.

④ No historical impact on property.

⑤ see section Z

## Section 9

- Z-
- 1.) We have submitted a letter for Barbara Fry
  - 2.) There will be a turn-around for customers to use to manage any Traffic, we will not be using any Parking spaces.
  - 3.) Understood
  - 4.) All Tents, trailers + vehicles will be removed each Weekend.
  - 5.) There is a fire hydrant within 500ft.
  - 6.) Understood
  - 7.) We have written permission to use bathroom in Owners Store.
  - 8.) Understood
  - 9.) We consent to cities inspection and understand we will not be in violation of city conduct.
  - 10.) N/A there will be no power to produce stand

- 11.) There is no electric power esement on property.
- 12.) There will be a 30 gallon Trash can to be Used for trash and will be removed daily.
- 13.) Understood
- 14.) No Radio or intercom will be used for Advertisement.
- 15.) Set up for 62 days 70 days minus 8 for fireworks.
- 16.) Understood
- 17.) This lot is grandfathered in a gravel Parking
- 18.) N/A Fireworks
- 19.) N/A Christmas trees
- 20.) There will be NO tables or chairs for customer to sit in. they will be buying their produce and not hanging around.

3-21-16

To who it may concern  
Mr Sims has permission  
to use our Bath Room  
at Discount Tobacco

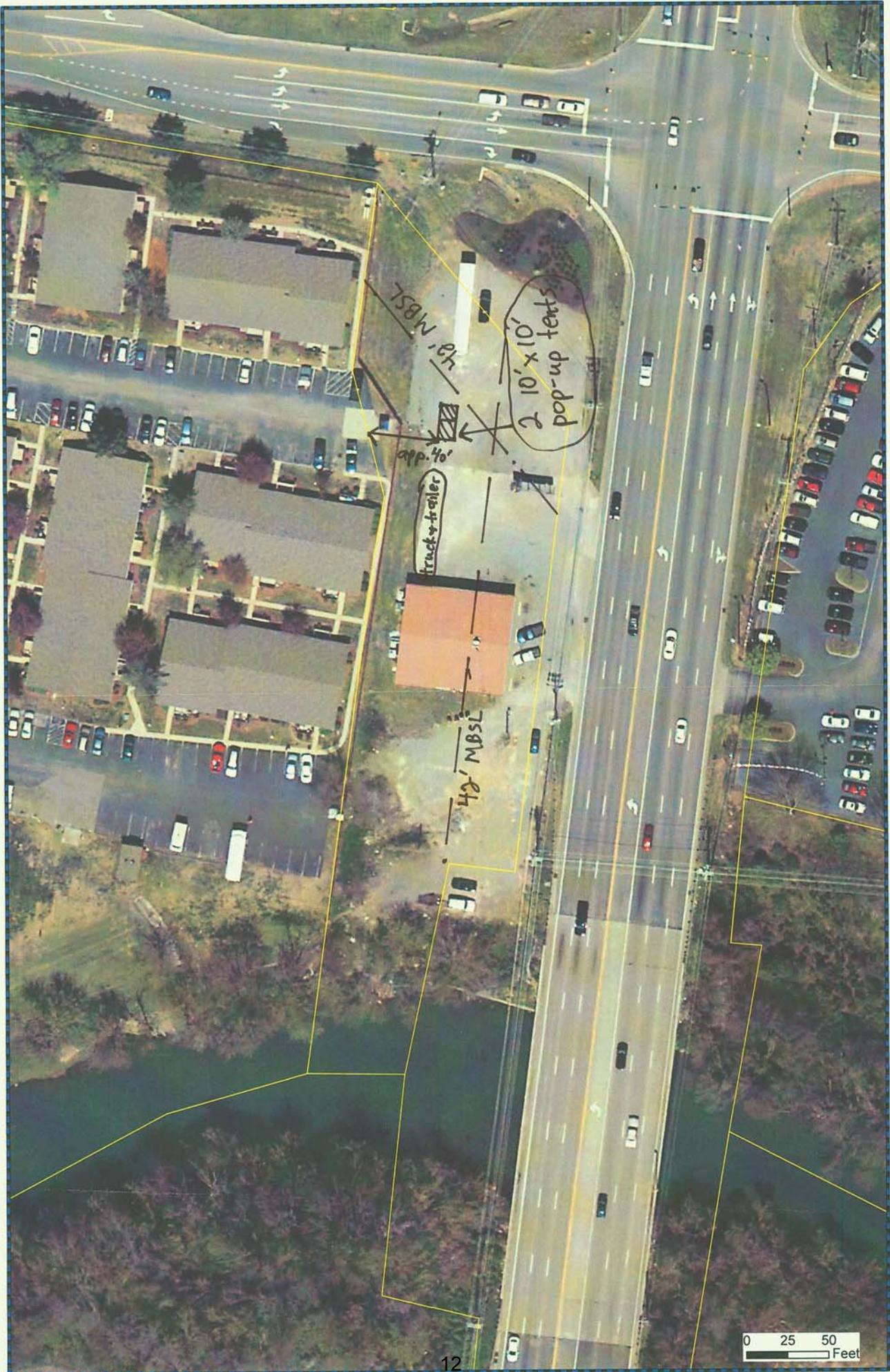
Walt Moore  
Manager

3-25-16

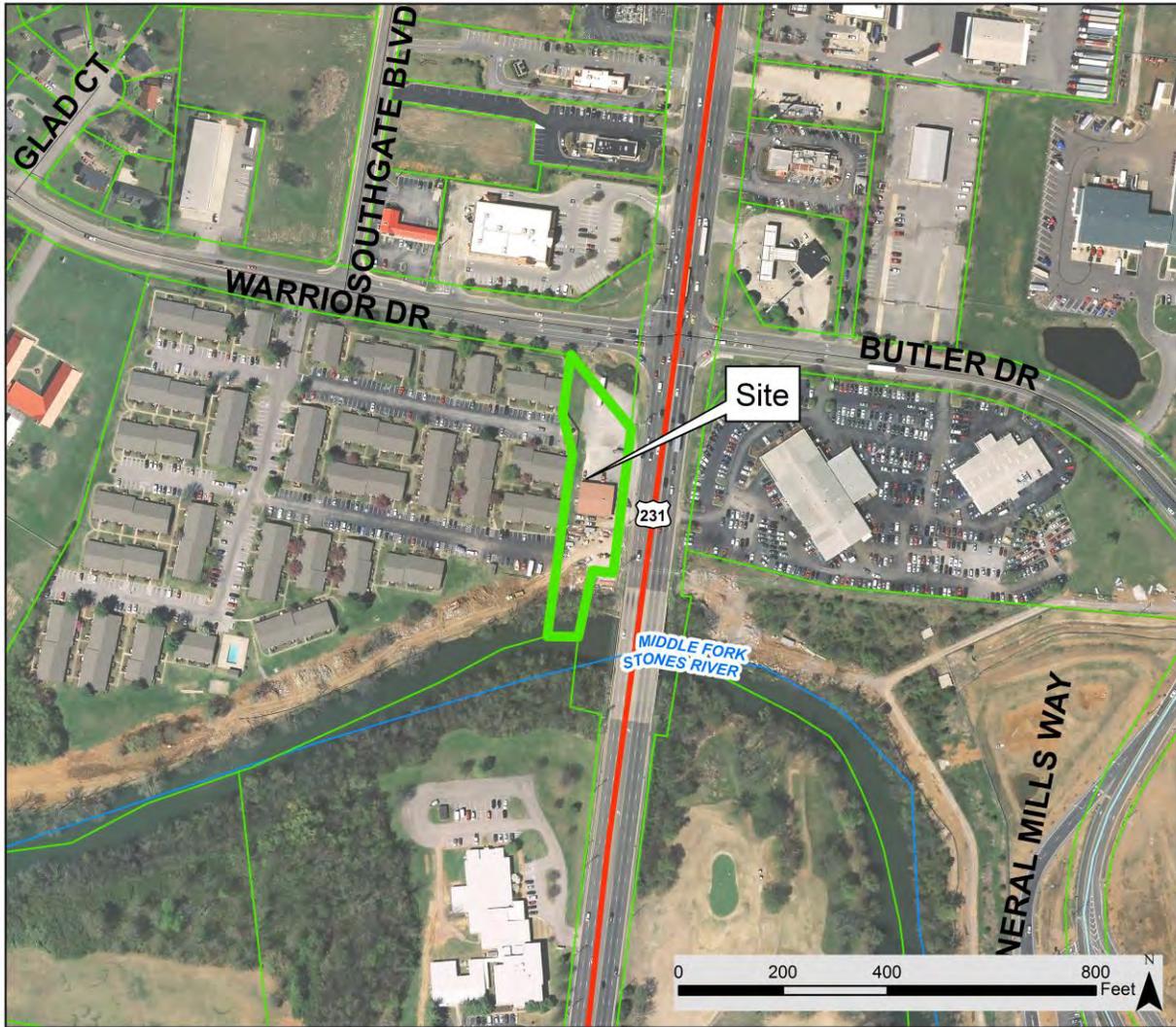
To Whom It May Concern:

Mr. Alton Sims has rented the lot at 2510 S. Church St. To be used as a temporary outdoor produce stand. Access will be given to the restrooms in this building. Thank you in advance for your consideration.

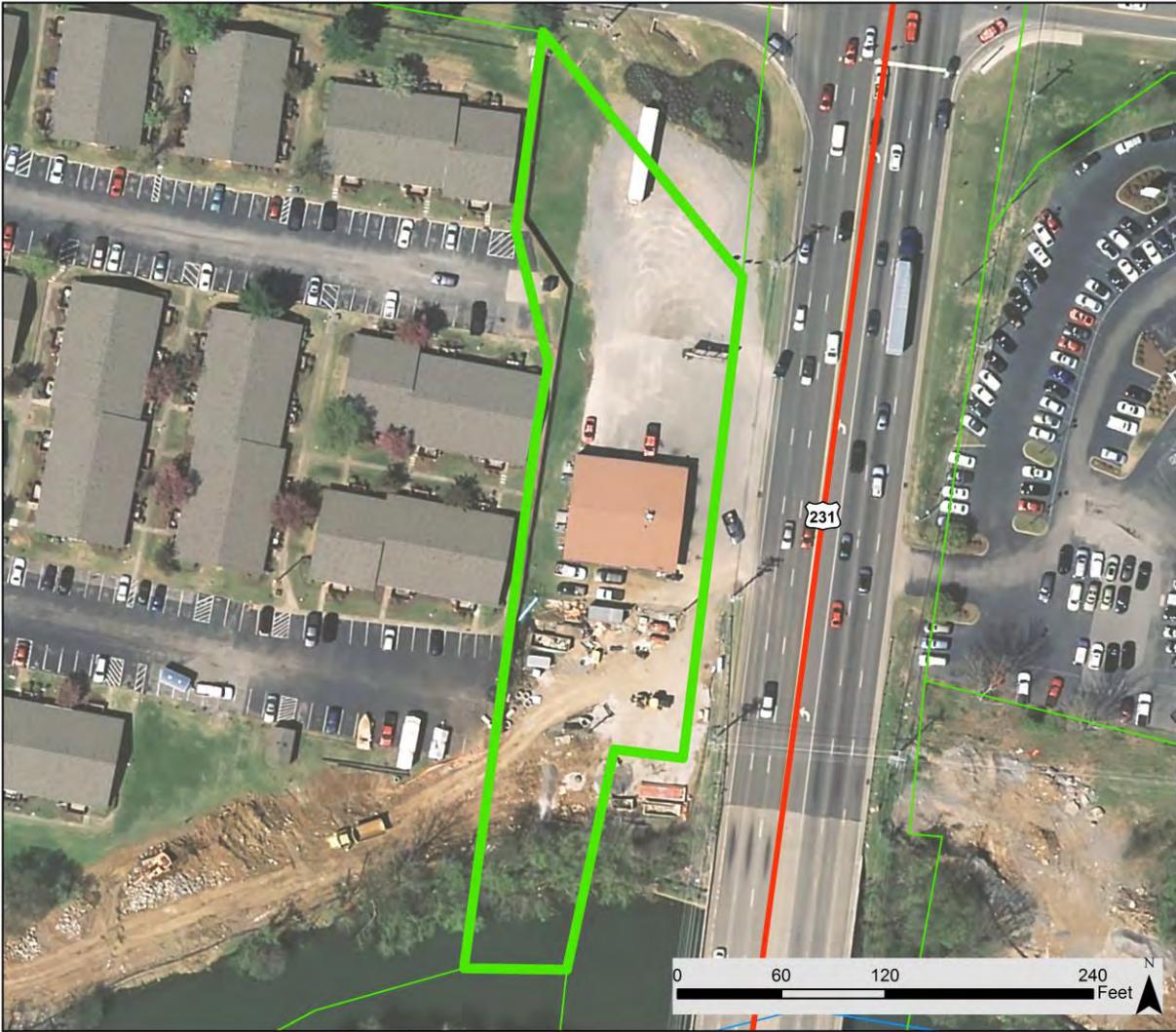
Barbara N. Fry



Photographs for Z-16-031  
2510 South Church Street (Produce Sales)



Aerial photograph of subject property.



Aerial photograph of subject property.



View of subject property taken from intersection of South Church Street and Warrior Drive looking to the south.



View of subject property taken from South Church Street looking to the southwest.



View of subject property taken from Warrior Drive looking south.



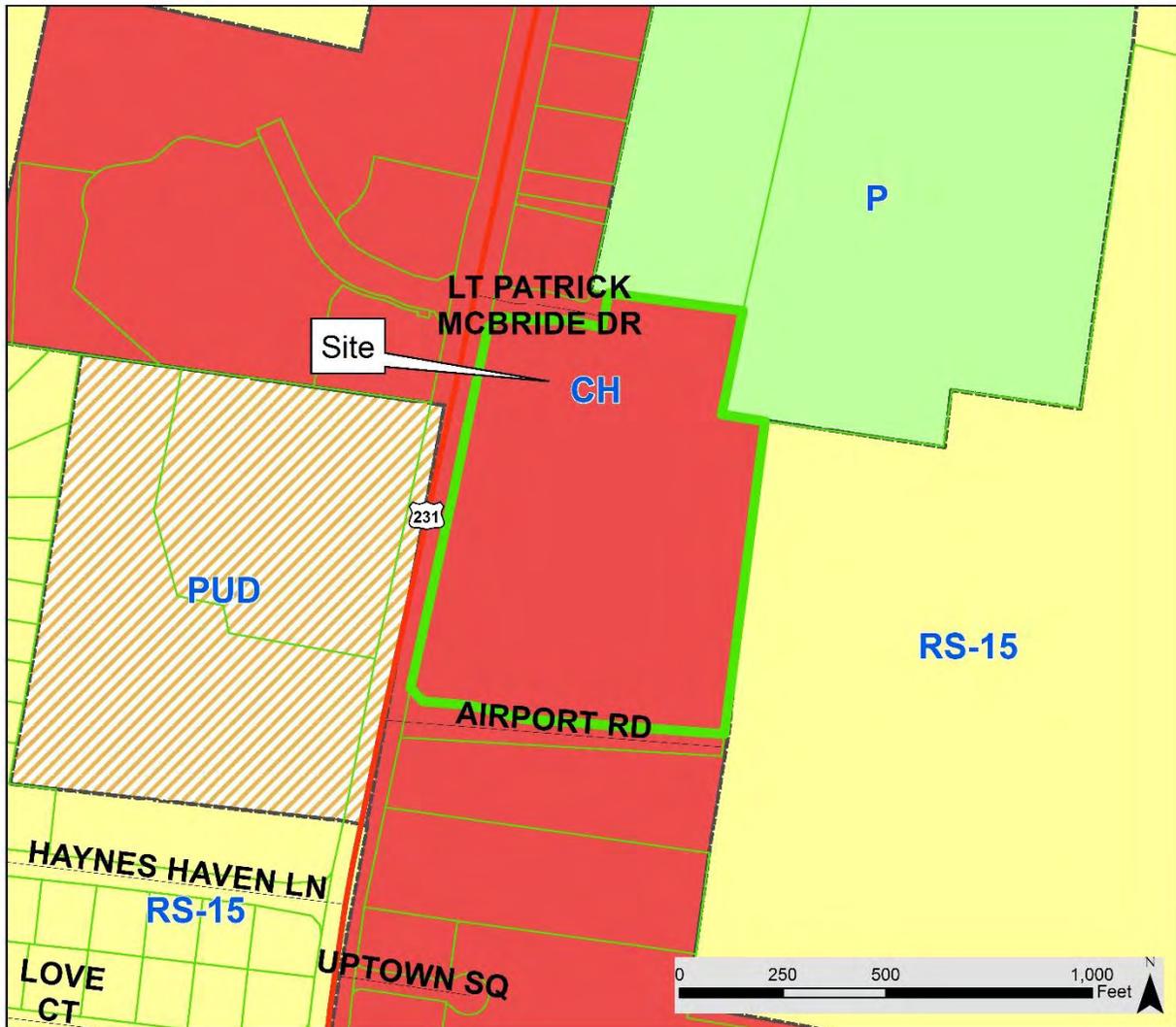
View of landscaping at corner of South Church Street and Warrior Drive, taken from South Church Street looking to the northwest.



View of subject property with produce stand. Google StreetView, May 2015. View from intersection of South Church Street and Warrior Drive looking to the southwest.

**MURFREESBORO BOARD OF ZONING APPEALS  
STAFF REPORT  
APRIL 27, 2016**

**Application:** Z-16-032  
**Location:** 2012 Memorial Boulevard  
**Applicant:** Wesley Reid of TNT Fireworks  
**Zoning:** Highway Commercial (CH) District  
**Request:** A Special Use Permit to operate a Temporary Outdoor Vending Establishment (Fireworks Seasonal Retailer)



## **Request Overview**

The applicant, Wesley Reid of TNT Fireworks, wishes to operate a fireworks sales tent for the Fourth of July season in the parking lot of an existing Walmart store located at 2012 Memorial Boulevard. Chart 1 (Uses Permitted by Zoning District) of the Murfreesboro Zoning Ordinance lists Fireworks Seasonal Retailer as a use allowed by Special Use Permit in the CH district. The applicant seeks a Special Use Permit from the Board in order to operate the proposed fireworks sales tent.

The tent would be situated toward the northwestern corner of the parking lot. The applicant has provided a letter from the property owner granting the applicant permission to operate the fireworks tent. The Board has previously approved this site for fireworks sales.

## **Staff Comments**

City Code allows fireworks to be sold within the City from June 28 to July 5. Section 9(D)(2)(eeee) of the Murfreesboro Zoning Ordinance allows fireworks retailers to begin site work as early as June 21; the site must be cleared of all debris and structures by July 10. In the attached request letter, the applicant indicates that site preparation will begin on June 22, sales will begin on June 28, sales will end on July 5, and the site will be cleared by July 8. The tent's hours of operation will be from 10:00 AM until 10:00 PM on each day of operation except July 3 and July 4, when the tent will remain open until Midnight.

As shown on the applicant's site layout exhibit, the proposed tent will adhere to the minimum required setbacks for the CH district (42 feet on the front, 10 feet on the sides, and 20 feet on the rear). The tent would measure 30 feet by 45 feet and would have a maximum height of 20 feet. There appears to be adequate parking for both the existing use and the fireworks tent. The tent would exceed the minimum separation requirement for on-site consumption of alcohol and would be more than 200 feet from the nearest fuel source. An operable fire hydrant is located within 500 feet of the proposed tent. The applicant intends to provide a portable restroom on the premises for customers. The applicant may have an employee remain on site overnight. A generator will be utilized to provide power for the tent.

The applicant attests that all standards of general applicability for a Special Use Permit will be met. Further, in the request letter, the applicant has addressed all of the specific standards for Temporary Outdoor Vending Establishments.

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

## **Conditions Recommended by Staff**

If the Board approves the application, staff recommends the following conditions:

- 1) The applicant shall provide certification that the tent is flame-resistant or treated to be flame-resistant.
- 2) The applicant shall keep and maintain a fire extinguisher on site at all times.

- 3) The applicant shall keep the City's fireworks ordinance posted on site at all times.
- 4) Fireworks shall not be set-off on site.
- 5) The applicant shall apply for and pass an electrical safety inspection prior to opening for business. An electrical permit shall be purchased from the Building and Codes Department in order to obtain this inspection.
- 6) The fireworks tent shall meet all minimum building setback requirements for the CH zoning district.
- 7) The applicant shall obtain a tent permit for the fireworks tent.

**Attachments**

1. BZA Application
2. Applicant's Supporting Materials
3. Site Photos

City of Murfreesboro BOARD OF ZONING APPEALS	HEARING REQUEST APPLICATION
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Location/Street Address: 2012 Memorial Blvd			
Tax Map: 080	Group: -	Parcel: 36	Zoning District: CH

Applicant: Wesley Reid		E-Mail: ReidW@TNTFireworks.com	
Address: 4511 Heiton Drive		Phone: 856-366-0991	
City: Florence		State: AL	Zip: 35630

Property Owner: Cecil Murf			
Address: 1300 S.E. 8th Street		Phone: 499-204-2039	
City: Bentonville		State: AR	Zip: 72916

Request: Temporary Fireworks Sales	
Zoning District: CH	
Applicant Signature: Wesley Reid	Date:

Received By: B. DAVIS	Receipt No.: 310201
Application #:	3-8-16

Murfreesboro  
Board of  
Zoning Appeals



MURFREESBORO  
TENNESSEE

HEARING APPLICATION  
AND  
GENERAL INFORMATION

January 21, 2016

Re: Wal-Mart #2757  
2012 Memorial Blvd  
Murfreesboro, TN 37129

To Whom It May Concern:

American Promotional Events, Inc. dba TNT Fireworks is authorized to erect a tent on the above property for the purpose of having a fireworks promotion during the time frame of June 17<sup>th</sup>, 2016 through and including July 5<sup>th</sup>, 2016.

We also authorize American Promotional Events, Inc. dba TNT Fireworks to sign for and obtain any documents necessary for permits, variances and/or licenses as owner's agent for this promotion. If there are any concerns, please do not hesitate to contact me.

Respectfully,



Jesse Danielson  
Manager, Walmart Services

BZA Murfreesboro  
Location: Wal Mart

## SECTION 9. STANDARDS FOR SPECIAL PERMIT USES

### (C) Standards of General Applicability

1. We believe that our event will have a positive effect on the community and that there will be no negative effects as listed.
2. Our facility will be erected and comply with the City of Murfreesboro's requirements.
3. Our use on this parking lot should only require parking spaces and all other aspects listed should not be needed however, if it is deemed necessary, we will provide arrangements to provide these services.
4. Our facility in no way will cause destruction to any city features that are determined by the BZA.
5. TNT Fireworks and this location will comply with all additional standards imposed by the BZA and any other particular provisions of the Standards for Special Permit Uses.

### (z) Additional standards to be followed

1. We have submitted a letter of approval from the owners of the Wal Mart that authorizes us to have this event on their property.
2. This location is on the Wal Mart parking lot which has more than adequate parking and backing on to the street will not be an issue.
3. Traffic control should not be an issue as the parking lot is more than adequate to handle the peak sales operating hours but if the city deems it is necessary, we will accommodate and take the proper means to have someone direct traffic.
4. My customers may take advantage of the allowance of a vehicle on site but the overnight attendees have yet to be determined. If the vehicles can be listed at a later date, we will make arrangements to notify the city but if this is not allowed, my customers will not have an overnight vehicle on the premises.
5. This is the first year at the following location, the measurements that were taken on March 24, 2015 should confirm the location will be within 500' of an operable fire hydrant and is over 300' from the nearest fuel source.
6. We will abide by the city's "Clean up" requirement and be vacated from the site no later than 5 days after the event. In the unlikely event the location is not properly cleaned up, we understand that we will forfeit the \$500 deposit.
7. We will make arrangements to have a portable restroom facility at this location and it will meet the requirements of the City.
8. All local and state permits will be posted on site.
9. We will abide the ordinance set forth by the city and understand that if we are in violation, any such violation will be resolved within the 24 hour period granted by the city.

10. This location will be powered by a generator that will be approved by the city electric department.
11. This facility will be outside any easement that is used for electric power transmission or distribution.
12. This location will have the use of the on-site dumpster and if for any reason this is not available, all debris will be transported from the site.
13. We will abide by the city's sign ordinance and obtain any such permits that are required.
14. No additional noise devices will be used at this location other than a simple radio or television for the sole purpose of entertainment for the site operator and product demonstrations for potential customers ie a product DVD that will show customers what certain products will do.
15. We will use this site for only the days eligible by the city for the sale of fireworks and the owners understand that additional uses will have to be presented to the board for their approval.
16. If the BZA requires additional standards be met, we will abide by these standards. We simply request that any additional standards are presented to us in a timely manner so we can take the necessary steps to comply.
17. Our location will be on a paved surface.
18. [aa] As mentioned in subsection 5, the measurements taken last year will insure that we will not be within two hundred feet of any fuel source.  
[bb] At this site, we will not be within two hundred fifty feet from any establishment that has on-site consumption of alcohol.  
[cc] Our tent should be set around June 22<sup>th</sup> and removed along with any debris by July 8<sup>th</sup>. As of now, we are not anticipating the set up for the Christmas/New Year's season.  
[dd] TNT Fireworks takes ALL necessary steps to meet and/or exceed all state and local laws when regarding the sale of fireworks.  
[ee] We understand that we must submit a new application each year to be eligible for this event.
19. I do not believe item 19 applies to our event.
20. I do not believe item 20 applies to our event.

Section 8: Procedures For Uses Requiring Special Permits

(D) Procedure

- (1) Application has been filled out
  - (a) Wesley Reid  
4511 Helton Drive  
Florence, AL 35630  
256-366-0991
  - (b) We are leasing the property for a temporary fireworks sale
  - (c) A scaled site plan has been submitted  
[1-6] All items are on the site plan. Tent height is roughly 20'
  - (d) The address of the site is:  
2012 Memorial Blvd  
Murfreesboro, TN
  - (f) The zoning is Commercial
  - (g) The hours of operation are typically 10-10 and until midnight on July 3<sup>rd</sup> and 4<sup>th</sup>. The event will take place from June 27<sup>th</sup>-July 5<sup>th</sup>. There will be a minimum of two operators on site at all times. The Typical traffic will be the everyday Wal Mart customers.
  - (h) Although we do not anticipate there to be any harmful characteristics due to this Special Use request, we will take any necessary means to abide by the City of Murfreesboro laws as they apply to us and we welcome the city to assist us as they see fit.

**Cleveland Tent and Party Rental**  
1-866-299-1786

**Certificate of Flame Resistance**



**REGISTERED  
FABRIC  
NUMBER**  
F-50502

Phone (423) 478-2724      Fax (423) 479-3590

**CLEVELAND TENT & PARTY RENTAL**

Date  
Manufactured

This is to certify that the materials described herein have been flame-retardant treated (or are inherently nonflammable).

This is to certify that this fabric is flame retardant. It is inherent and cannot be removed by age. It is registered with the California State Fire Marshall and meets N.F.P.A. 701 and 5903.2 tests and codes.

**The Flame Retardant Process Used WILL NOT Be Removed By Washing.**

Cleveland Tent & Party Rental  
*Billy Hilliker*  
 Name of Production Superintendent

*Scott Brown*

REFER TO DOT STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE  
 REFER TO DOT STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE  
 PAYING MATERIALS SCHEDULE BASED UPON GEOTECHNICAL REPORT #1  
 DESIGN CBR VALUE = 4.2  
 THE CBR VALUE SHOULD BE VERIFIED DURING THE CONSTRUCTION PHASE

CITY OF  
 MURFREESBORO, TN  
 NO DEED REFERENCE  
 ZONED  
 RS-15

CITY OF  
 MURFREESBORO, TN  
 DD 199, PG 195  
 ZONED  
 P

GROSS BUILDING AREA  
 PARKING SPACES  
 STANDARD SPACES  
 HANDICAP ACCESSIBLE SPACES  
 TOTAL SPACES  
 PARKING RATIO PROPOSED  
 SPACES/1000 GROSS BUILDING AREA  
 TYPICAL STALL DIM

ZONING CLASSIFICATION  
 MINIMUM LOT REQUIRED AREA (SQ FT)  
 WIDTH (FT)

BUILDING SETBACKS  
 FRONT (FT)  
 SIDE (FT) (R)  
 REAR (FT)

MAXIMUM HEIGHT (FT)  
 NUMBER OF STORIES

MAXIMUM GROSS DEVELOPMENT INTENSITY  
 MAXIMUM F.A.R.  
 MINIMUM L.S.R.  
 MINIMUM O.S.R.

MAXIMUM LOT COVER  
 PER CH ZONING IN CITY OF MURFREESBORO, TN  
 NO DEED REFERENCE  
 ZONED CH  
 OR USED FOR RESIDENTIAL PORTFOLIO DEVELOPMENT, OTHER

**Walmart** \*

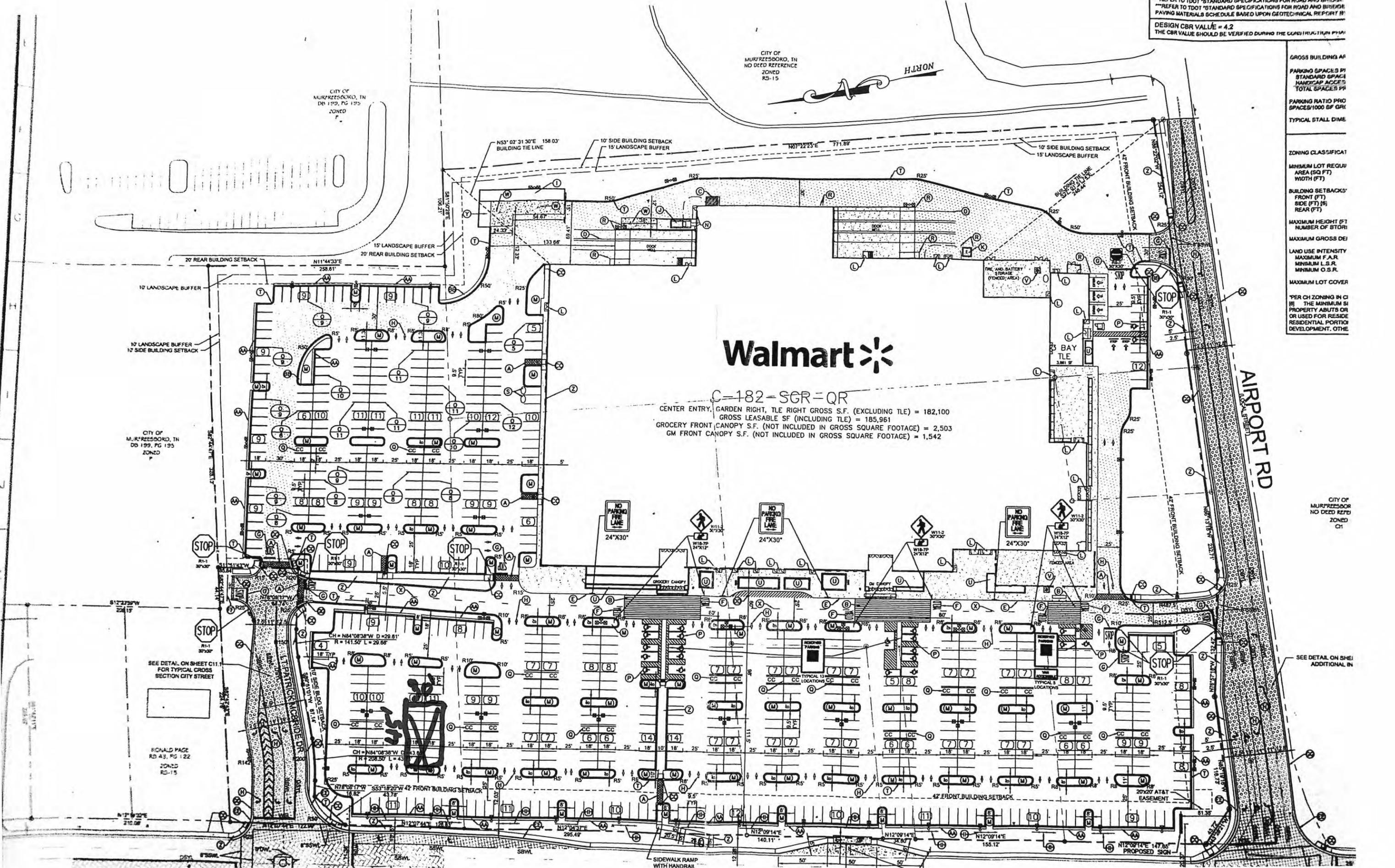
C-182-SGR-QR  
 CENTER ENTRY, GARDEN RIGHT, TILE RIGHT GROSS S.F. (EXCLUDING TLE) = 182,100  
 GROSS LEASABLE SF (INCLUDING TLE) = 185,961  
 GROCERY FRONT CANOPY S.F. (NOT INCLUDED IN GROSS SQUARE FOOTAGE) = 2,503  
 GM FRONT CANOPY S.F. (NOT INCLUDED IN GROSS SQUARE FOOTAGE) = 1,542

AIRPORT RD

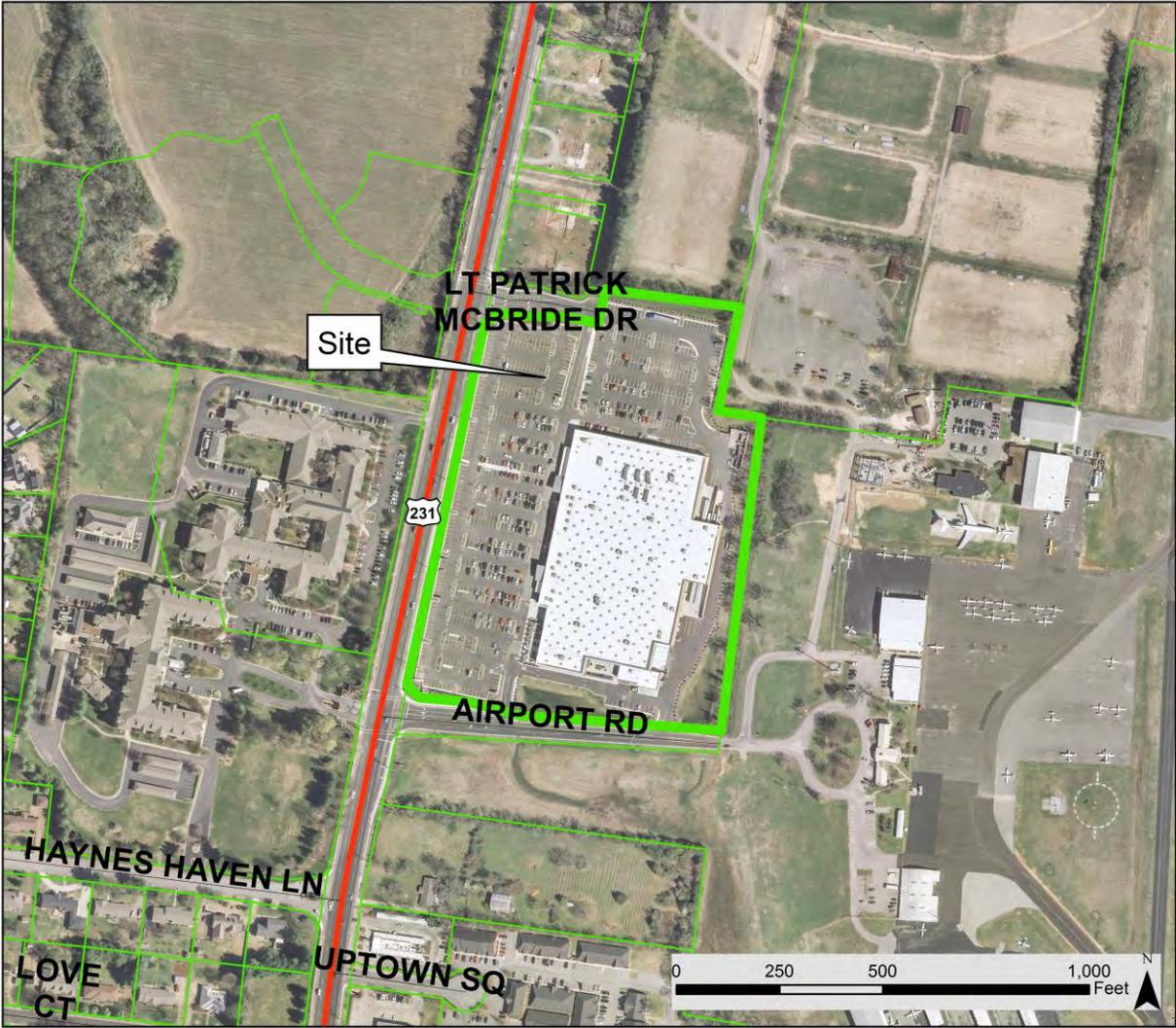
CITY OF  
 MURFREESBORO, TN  
 NO DEED REFERENCE  
 ZONED  
 CH

CITY OF  
 MURFREESBORO, TN  
 DD 199, PG 195  
 ZONED  
 P

RONALD PAGE  
 RD 43, PG 122  
 ZONED  
 RS-15



**Photographs for Z-16-032  
2012 Memorial Boulevard**



Aerial photograph of subject property.



Aerial photograph of subject property.



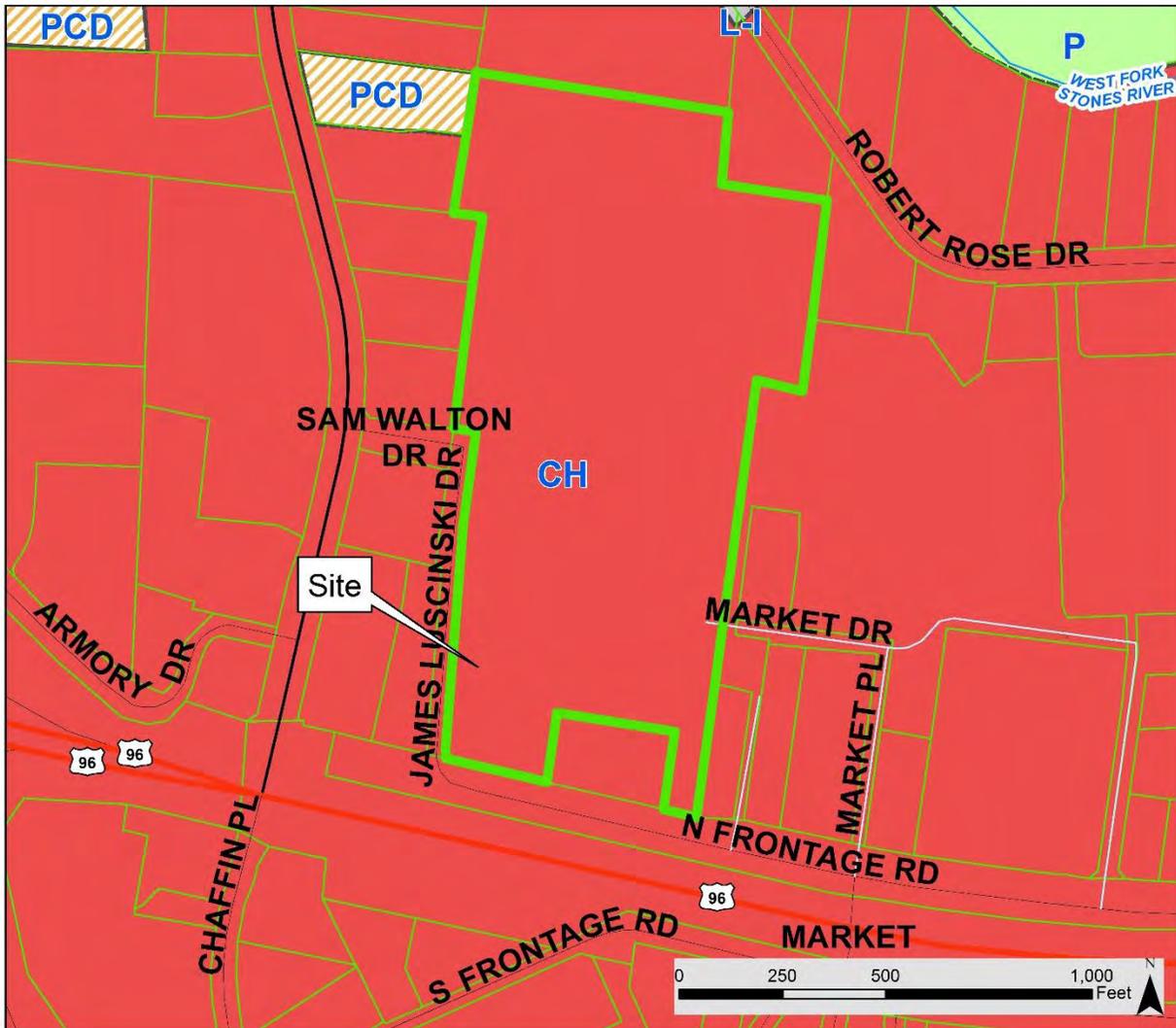
View of proposed fireworks tent location (near black truck in background) taken from Lt. Patrick McBride Drive looking to the southwest.



View of proposed tent location taken from Lt. Patrick McBride Drive looking to the southwest.

**MURFREESBORO BOARD OF ZONING APPEALS  
STAFF REPORT  
APRIL 27, 2016**

**Application:** Z-16-033  
**Location:** 2000 Old Fort Parkway  
**Applicant:** Wesley Reid of TNT Fireworks  
**Zoning:** Highway Commercial (CH) District  
**Request:** A Special Use Permit to operate a Temporary Outdoor Vending Establishment (Fireworks Seasonal Retailer)



## **Request Overview**

The applicant, Wesley Reid of TNT Fireworks, wishes to operate a fireworks sales tent for the Fourth of July season in the parking lot of an existing Walmart store located at 2000 Old Fort Parkway. Chart 1 (Uses Permitted by Zoning District) of the Murfreesboro Zoning Ordinance lists Fireworks Seasonal Retailer as a use allowed by Special Use Permit in the CH district. The applicant seeks a Special Use Permit from the Board in order to operate the proposed fireworks sales tent.

The tent would be situated toward the southwestern corner of the parking lot. The applicant has provided a letter from the property owner granting the applicant permission to operate the fireworks tent. The Board has previously approved this site for fireworks sales.

## **Staff Comments**

City Code allows fireworks to be sold within the City from June 28 to July 5. Section 9(D)(2)(eeee) of the Murfreesboro Zoning Ordinance allows fireworks retailers to begin site work as early as June 21; the site must be cleared of all debris and structures by July 10. In the attached request letter, the applicant indicates that site preparation will begin on June 22, sales will begin on June 28, sales will end on July 5, and the site will be cleared by July 8. The tent's hours of operation will be from 10:00 AM until 10:00 PM on each day of operation except July 3 and July 4, when the tent will remain open until Midnight.

As shown on the applicant's site layout exhibit, the proposed tent will adhere to the minimum required setbacks for the CH district (42 feet on the front, 10 feet on the sides, and 20 feet on the rear). The tent would measure 30 feet by 45 feet and would have a maximum height of 20 feet. There appears to be adequate parking for both the existing use and the fireworks tent. The tent would exceed the minimum separation requirement for on-site consumption of alcohol and would be more than 200 feet from the nearest fuel source. An operable fire hydrant is located within 500 feet of the proposed tent. The applicant intends to provide a portable restroom on the premises for customers. The applicant may have an employee remain on site overnight. A generator will be utilized to provide power for the tent.

The applicant attests that all standards of general applicability for a Special Use Permit will be met. Further, in the request letter, the applicant has addressed all of the specific standards for Temporary Outdoor Vending Establishments.

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

## **Conditions Recommended by Staff**

If the Board approves the application, staff recommends the following conditions:

- 1) The applicant shall provide certification that the tent is flame-resistant or treated to be flame-resistant.
- 2) The applicant shall keep and maintain a fire extinguisher on site at all times.

- 3) The applicant shall keep the City's fireworks ordinance posted on site at all times.
- 4) Fireworks shall not be set-off on site.
- 5) The applicant shall apply for and pass an electrical safety inspection prior to opening for business. An electrical permit shall be purchased from the Building and Codes Department in order to obtain this inspection.
- 6) The fireworks tent shall meet all minimum building setback requirements for the CH zoning district.
- 7) The applicant shall obtain a tent permit for the fireworks tent.

**Attachments**

1. BZA Application
2. Applicant's Supporting Materials
3. Site Photos

City of Murfreesboro BOARD OF ZONING APPEALS	HEARING REQUEST APPLICATION
---	--------------------------------

Location/Street Address: 2000 OLD FT PARKWAY (WAL MART)			
Tax Map: 092	Group: -	Parcel: 25	Zoning District: C17

Applicant: Wesley Reid		E-Mail: Reidw@TNTFireworks.com	
Address: 4511 Helton Drive		Phone: 256-366-0991	
City: Florence		State: AL	Zip: 35630

Property Owner: Wal Mart			
Address: 1300 S.E. 8th Street		Phone: 479-204-3037	
City: Bentonville		State: AR	Zip: 72716

Request: Temporary Fireworks Sales	
Zoning District: C17	
Applicant Signature: <i>Wesley Reid</i>	Date:

Received By: B. DAVIS	Receipt No.: 310207
Application #:	3-8-16

Murfreesboro  
Board of  
Zoning Appeals



HEARING APPLICATION  
AND  
GENERAL INFORMATION

January 21, 2016

Re: Wal-Mart #682  
2000 Old Fort Parkway  
Murfreesboro, TN 37129

To Whom It May Concern:

American Promotional Events, Inc. dba TNT Fireworks is authorized to erect a tent on the above property for the purpose of having a fireworks promotion during the time frame of June 17<sup>th</sup>, 2016 through and including July 5<sup>th</sup>, 2016.

We also authorize American Promotional Events, Inc. dba TNT Fireworks to sign for and obtain any documents necessary for permits, variances and/or licenses as owner's agent for this promotion. If there are any concerns, please do not hesitate to contact me.

Respectfully,



Jesse Danielson  
Manager, Walmart Services

BZA Murfreesboro  
Location: Wal Mart

## SECTION 9. STANDARDS FOR SPECIAL PERMIT USES

### (C) Standards of General Applicability

1. We believe that our event will have a positive effect on the community and that there will be no negative effects as listed.
2. Our facility will be erected and comply with the City of Murfreesboro's requirements.
3. Our use on this parking lot should only require parking spaces and all other aspects listed should not be needed however, if it is deemed necessary, we will provide arrangements to provide these services.
4. Our facility in no way will cause destruction to any city features that are determined by the BZA.
5. TNT Fireworks and this location will comply with all additional standards imposed by the BZA and any other particular provisions of the Standards for Special Permit Uses.

### (z) Additional standards to be followed

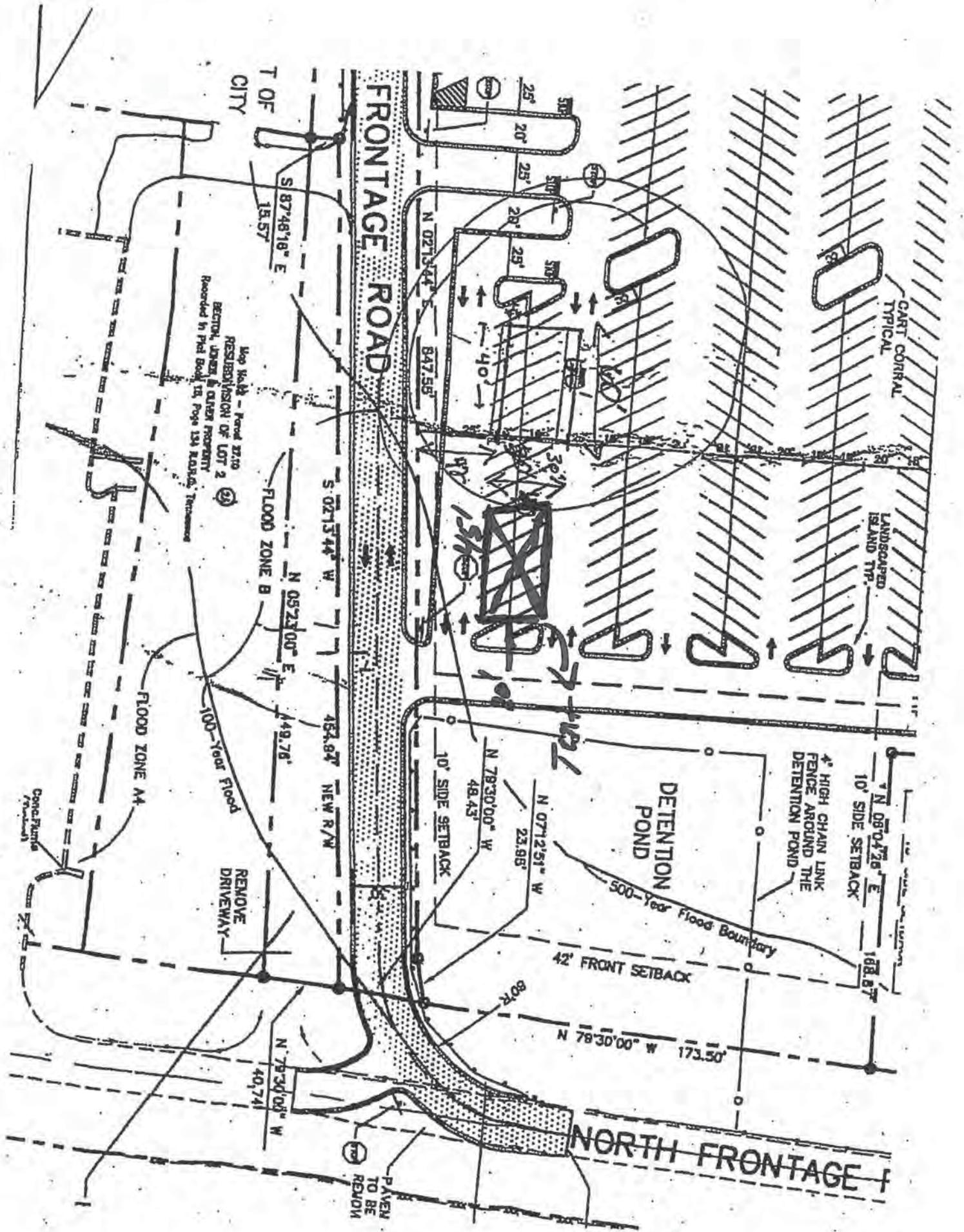
1. We have submitted a letter of approval from the owners of the Wal Mart that authorizes us to have this event on their property.
2. This location is on the Wal Mart parking lot which has more than adequate parking and backing on to the street will not be an issue.
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[bb] At this site, we will not be within two hundred fifty feet from any establishment that has on-site consumption of alcohol.  
[cc] Our tent should be set around June 22<sup>th</sup> and removed along with any debris by July 8<sup>th</sup>. As of now, we are not anticipating the set up for the Christmas/New Year's season.  
[dd] TNT Fireworks takes ALL necessary steps to meet and/or exceed all state and local laws when regarding the sale of fireworks.  
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19. I do not believe item 19 applies to our event.
20. I do not believe item 20 applies to our event.

Section 8: Procedures For Uses Requiring Special Permits

(D) Procedure

- (1) Application has been filled out
  - (a) Wesley Reid  
4511 Helton Drive  
Florence, AL 35630  
256-366-0991
  - (b) We are leasing the property for a temporary fireworks sale
  - (c) A scaled site plan has been submitted  
[1-6] All items are on the site plan. Tent height is roughly 20'
  - (d) The address of the site is:  
2000 Old Ft Parkway  
Murfreesboro, TN
  - (f) The zoning is Commercial
  - (g) The hours of operation are typically 10-10 and until midnight on July 3<sup>rd</sup> and 4<sup>th</sup>. The event will take place from June 27<sup>th</sup>-July 5<sup>th</sup>. There will be a minimum of two operators on site at all times. The Typical traffic will be the everyday Wal Mart customers.
  - (h) Although we do not anticipate there to be any harmful characteristics due to this Special Use request, we will take any necessary means to abide by the City of Murfreesboro laws as they apply to us and we welcome the city to assist us as they see fit.



**Cleveland Tent and Party Rental**  
1-866-299-1786

**Certificate of Flame Resistance**



REGISTERED  
FABRIC  
NUMBERS  
**E-50502**

Phone (423) 478-2724 Fax (423) 479-3590

**CLEVELAND TENT & PARTY RENTAL**

Date  
Manufactured

7-50302

This is to certify that the materials described herein have been flame-retardant treated (or are inherently nonflammable).

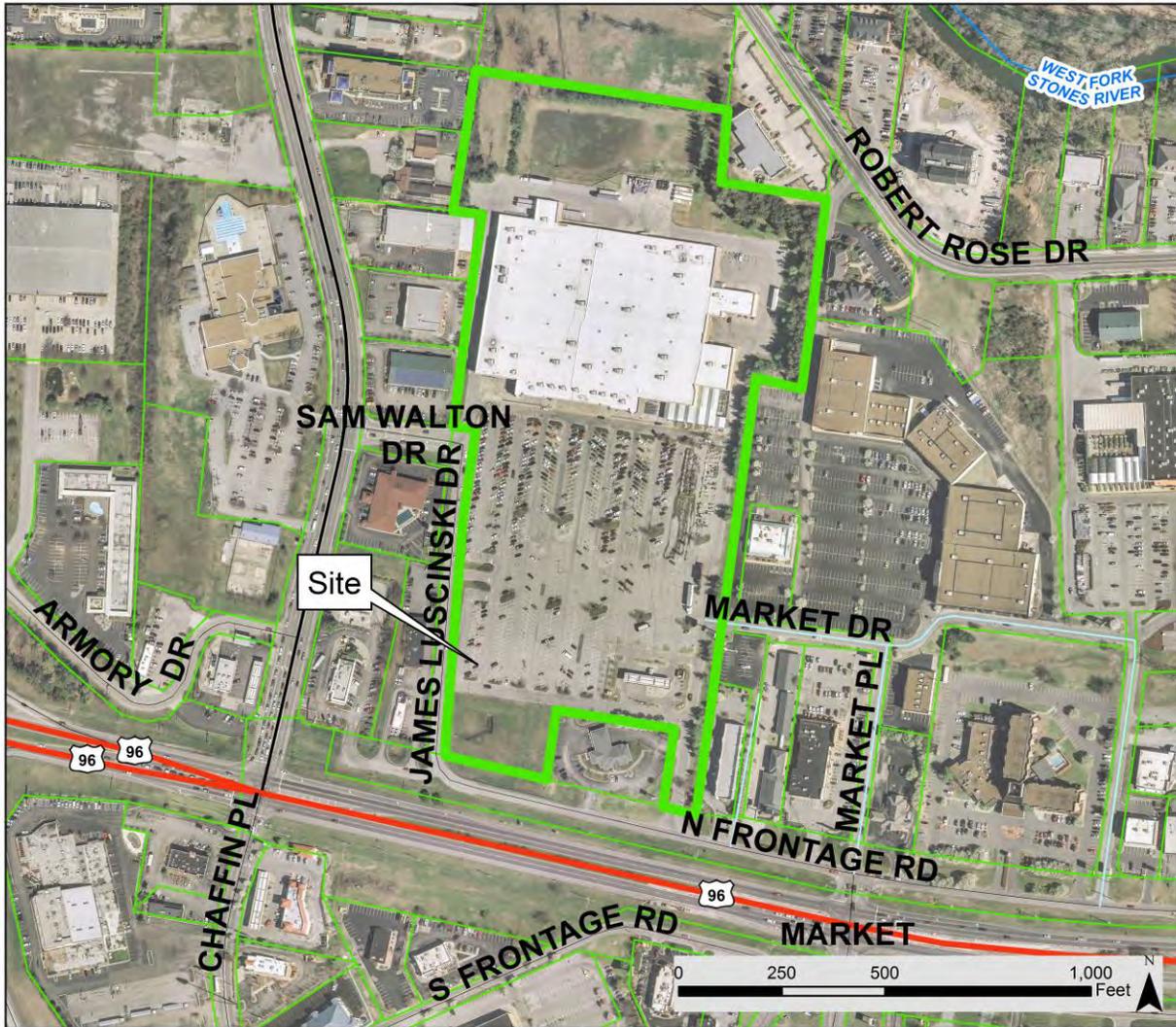
This is to certify that this fabric is flame retardant. It is inherent and cannot be removed by age. It is registered with the California State Fire Marshall and meets N.F.P.A. 701 and 5903.2 tests and codes.

The Flame Retardant Process Used WILL NOT Be Removed By Washing.

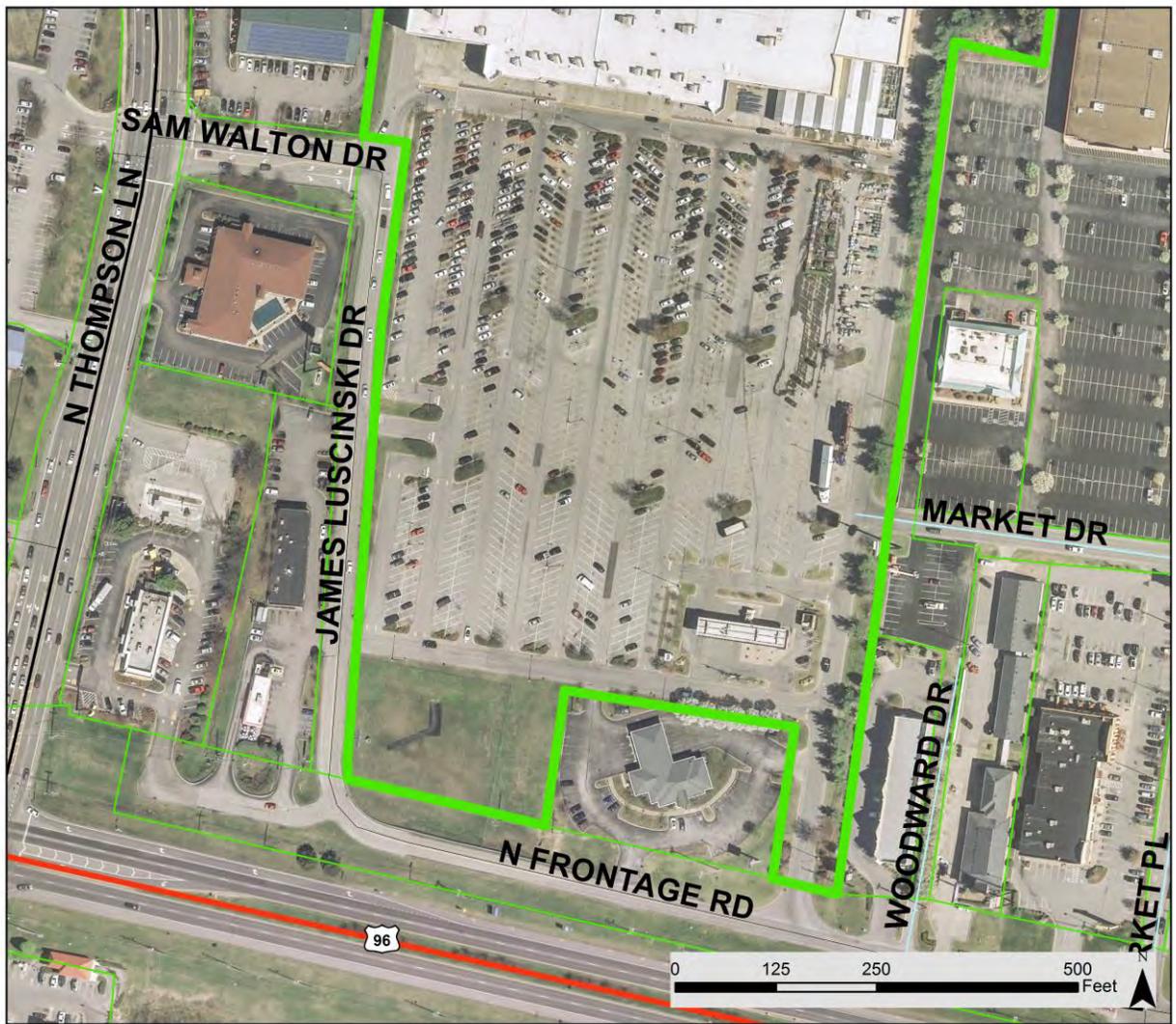
Cleveland Tent & Party Rental  
*Billy Hilliker*  
 Name of Production Superintendent

*Scott Brown*

Photographs for Z-16-033  
2000 Old Fort Parkway



Aerial photograph of subject property.



Aerial photograph of subject property.



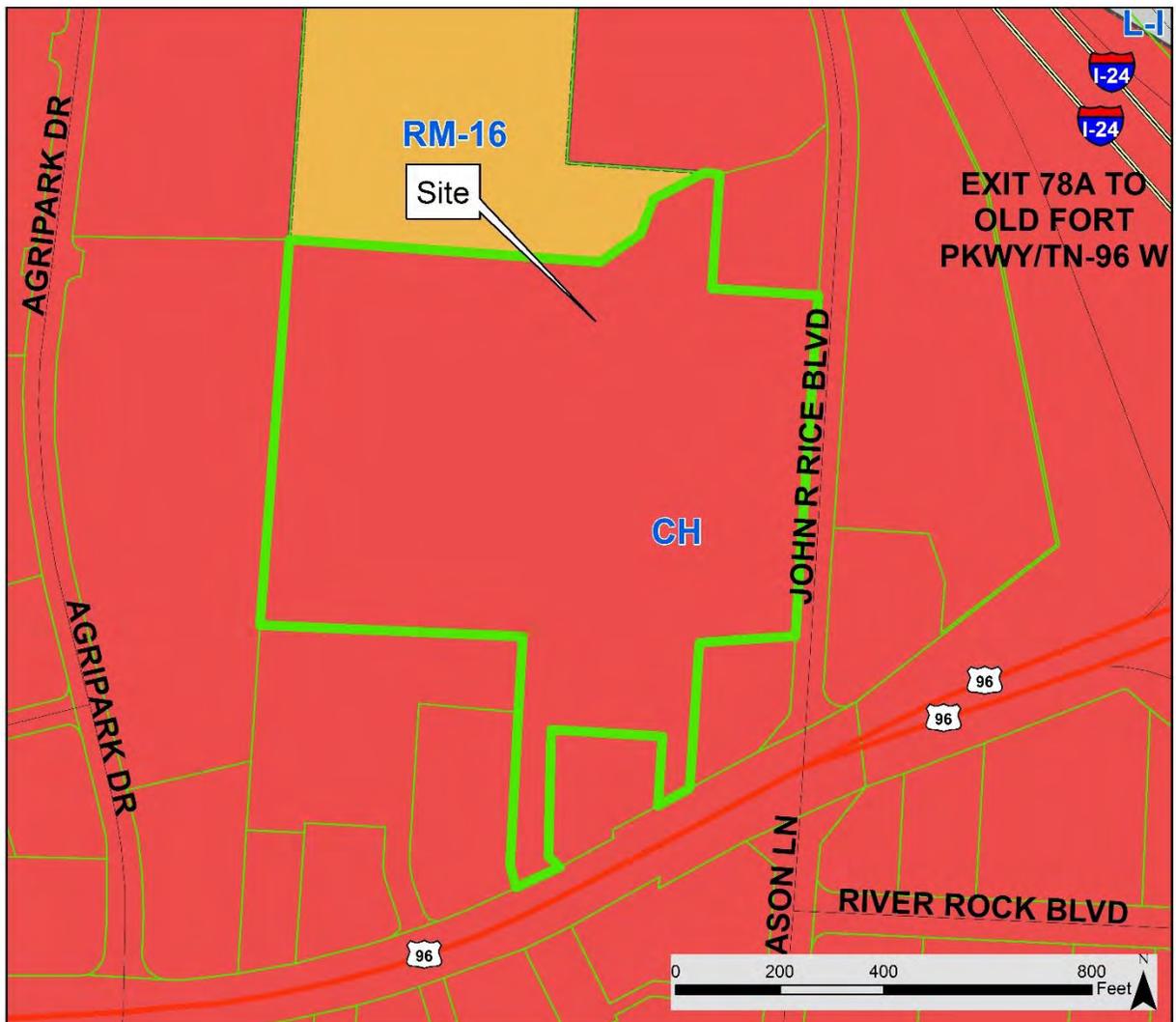
View of subject property with fireworks tent. Google StreetView, June 2015. View taken from James Lusinski Drive looking to the northeast.



View of subject property with fireworks tent. Google StreetView, June 2015. View taken from James Lusinski Drive looking to the east. The existing Walmart store is visible on the left-hand side of the photo.

**MURFREESBORO BOARD OF ZONING APPEALS  
STAFF REPORT  
APRIL 27, 2016**

**Application:** Z-16-034  
**Location:** 125 John R. Rice Boulevard  
**Applicant:** Wesley Reid of TNT Fireworks  
**Zoning:** Highway Commercial (CH) District  
**Request:** A Special Use Permit to operate a Temporary Outdoor Vending Establishment (Fireworks Seasonal Retailer)



## **Request Overview**

The applicant, Wesley Reid of TNT Fireworks, wishes to operate a fireworks sales tent for the Fourth of July season in the parking lot of an existing Sam's Club store located at 125 John R. Rice Boulevard. Chart 1 (Uses Permitted by Zoning District) of the Murfreesboro Zoning Ordinance lists Fireworks Seasonal Retailer as a use allowed by Special Use Permit in the CH district. The applicant seeks a Special Use Permit from the Board in order to operate the proposed fireworks sales tent.

The tent would be situated toward the northwestern corner of the parking lot. The applicant has provided a letter from the property owner granting the applicant permission to operate the fireworks tent. The Board has previously approved this site for fireworks sales.

## **Staff Comments**

City Code allows fireworks to be sold within the City from June 28 to July 5. Section 9(D)(2)(eeee) of the Murfreesboro Zoning Ordinance allows fireworks retailers to begin site work as early as June 21; the site must be cleared of all debris and structures by July 10. In the attached request letter, the applicant indicates that site preparation will begin on June 22, sales will begin on June 28, sales will end on July 5, and the site will be cleared by July 8. The tent's hours of operation will be from 10:00 AM until 10:00 PM on each day of operation except July 3 and July 4, when the tent will remain open until Midnight.

As shown on the applicant's site layout exhibit, the proposed tent will adhere to the minimum required setbacks for the CH district (42 feet on the front, 10 feet on the sides, and 20 feet on the rear). The tent would measure 30 feet by 40 feet and would have a maximum height of 20 feet. There appears to be adequate parking for both the existing use and the fireworks tent. The tent would exceed the minimum separation requirement for on-site consumption of alcohol and would be more than 200 feet from the nearest fuel source. An operable fire hydrant is located within 500 feet of the proposed tent. The applicant intends to provide a portable restroom on the premises for customers. The applicant may have an employee remain on site overnight. A generator will be utilized to provide power for the tent.

As shown on the attached staff exhibit, a 20-foot Murfreesboro Water and Sewer Department (MWSD) utility easement is present in the area where the proposed tent would be located. In order for the tent to be placed in close proximity to the water line, stakes should not be placed within the easement. Staff recommends that the Board condition any approval on the applicant either weighing the tent such that stakes are not needed or, if stakes are needed, the stakes being placed outside of the easement and at least 10 feet from the water line.

The applicant attests that all standards of general applicability for a Special Use Permit will be met. Further, in the request letter, the applicant has addressed all of the specific standards for Temporary Outdoor Vending Establishments.

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

### **Conditions Recommended by Staff**

If the Board approves the application, staff recommends the following conditions:

- 1) The applicant shall provide certification that the tent is flame-resistant or treated to be flame-resistant.
- 2) The applicant shall keep and maintain a fire extinguisher on site at all times.
- 3) The applicant shall keep the City's fireworks ordinance posted on site at all times.
- 4) Fireworks shall not be set-off on site.
- 5) The applicant shall apply for and pass an electrical safety inspection prior to opening for business. An electrical permit shall be purchased from the Building and Codes Department in order to obtain this inspection.
- 6) The fireworks tent shall meet all minimum building setback requirements for the CH zoning district.
- 7) The applicant shall obtain a tent permit for the fireworks tent.
- 8) Tent stakes shall not be placed within any MWSD easement or within 10 feet of any water line.

### **Attachments**

1. BZA Application
2. Applicant's Supporting Materials
3. Site Photos

City of Murfreesboro BOARD OF ZONING APPEALS	HEARING REQUEST APPLICATION
---	--------------------------------

Location/Street Address: <i>Sam's Club / 125 John R. Rice Blvd</i>			
Tax Map: <i>92</i>	Group:	Parcel: <i>71</i>	Zoning District: <i>C17</i>

Applicant: <i>TNT Fireworks</i> <sup><i>Wesley Road</i></sup> E-Mail: <i>Rc2w@TNTFireworks.com</i>	
Address: <i>4511 Helton Drive</i>	Phone: <i>256-366-0991</i>
City: <i>FLORENCE</i>	State: <i>AL</i> Zip: <i>35630</i>

Property Owner: <i>Sam's Club</i>	
Address: <i>125 John R. Rice Blvd</i>	Phone: <i>615-895-4246</i>
City: <i>MurFreesboro</i>	State: <i>TN</i> Zip: <i>37129</i>

Request: <i>Fireworks Tent</i>
Zoning District: <i>C17</i>
Applicant Signature: <i>Wesley Reid</i> Date:

Received By: <i>B. Davis</i>	Receipt No.: <i>310201</i>
Application #:	<i>3-8-16</i>

Murfreesboro  
Board of  
Zoning Appeals



MURFREESBORO  
TENNESSEE

HEARING APPLICATION  
AND  
GENERAL INFORMATION

BZA Murfreesboro  
Location: Sam's Club

## SECTION 9. STANDARDS FOR SPECIAL PERMIT USES

### (C) Standards of General Applicability

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5. TNT Fireworks and this location will comply with all additional standards imposed by the BZA and any other particular provisions of the Standards for Special Permit Uses.

### (z) Additional standards to be followed

1. We have submitted a letter of approval from the owners of the Sam's Club that authorizes us to have this event on their property.
2. This location is on the Sam's Club parking lot which has more than adequate parking and backing on to the street will not be an issue.
3. Traffic control should not be an issue as the parking lot is more than adequate to handle the peak sales operating hours but if the city deems it is necessary, we will accommodate and take the proper means to have someone direct traffic.
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[bb] At this site, we will not be within two hundred fifty feet from any establishment that has on-site consumption of alcohol.  
[cc] Our tent should be set around June 22<sup>th</sup> and removed along with any debris by July 8<sup>th</sup>. As of now, we are not anticipating the set up for the Christmas/New Year's season.  
[dd] TNT Fireworks takes ALL necessary steps to meet and/or exceed all state and local laws when regarding the sale of fireworks.  
[ee] We understand that we must submit a new application each year to be eligible for this event.
19. I do not believe item 19 applies to our event.
20. I do not believe item 20 applies to our event.

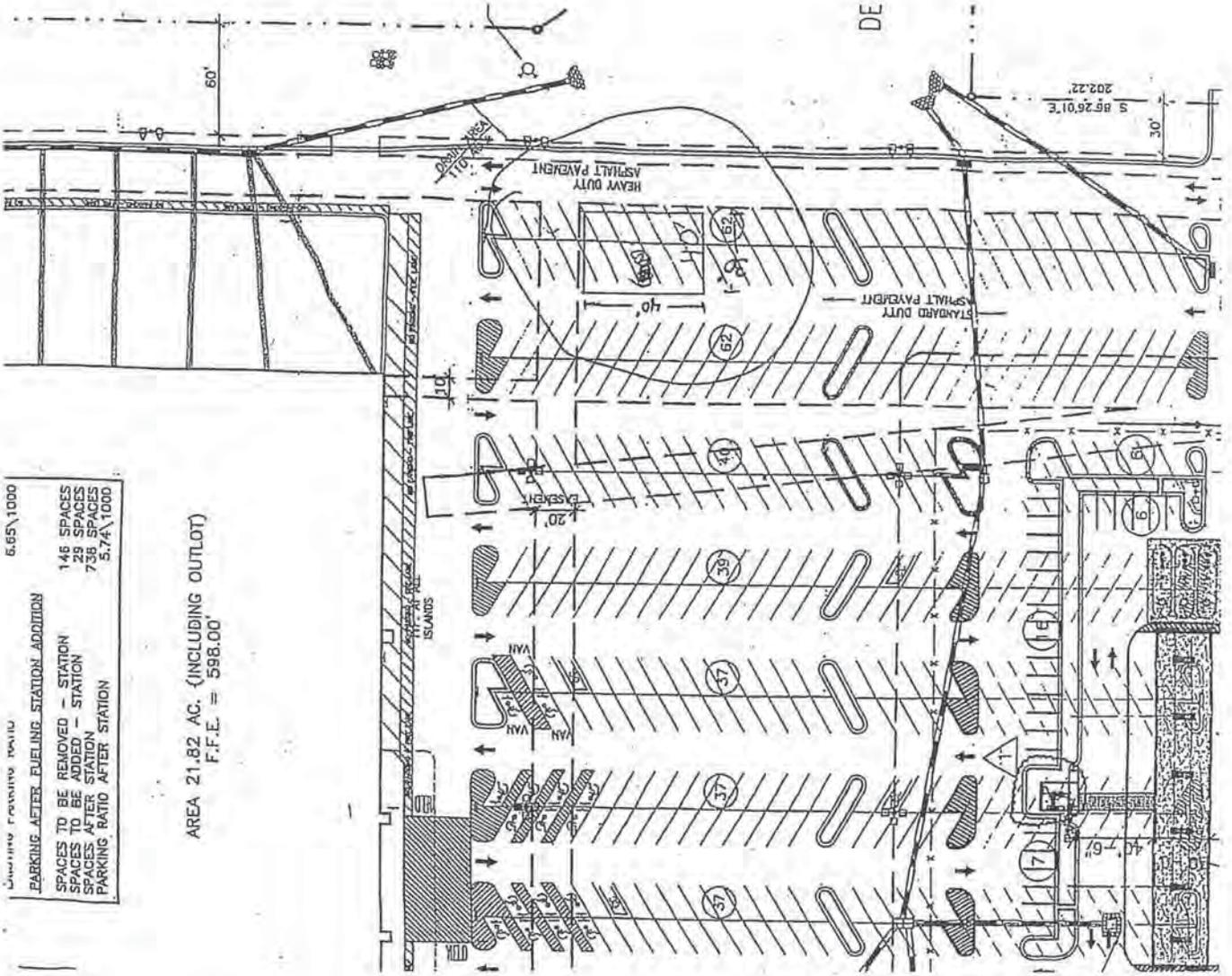
Section 8: Procedures For Uses Requiring Special Permits

(D) Procedure

- (1) Application has been filled out
  - (a) Wesley Reid  
4511 Helton Drive  
Florence, AL 35630  
256-366-0991
  - (b) We are leasing the property for a temporary fireworks sale
  - (c) A scaled site plan has been submitted  
[1-6] All items are on the site plan. Tent height is roughly 20'
  - (d) The address of the site is:  
125 John R. Rice Blvd  
Murfreesboro, TN
  - (f) The zoning is Commercial
  - (g) The hours of operation are typically 10-10 and until midnight on July 3<sup>rd</sup> and 4<sup>th</sup>. The event will take place from June 27<sup>th</sup>-July 5<sup>th</sup>. There will be a minimum of two operators on site at all times. The Typical traffic will be the everyday Sam's Club customers.
  - (h) Although we do not anticipate there to be any harmful characteristics due to this Special Use request, we will take any necessary means to abide by the City of Murfreesboro laws as they apply to us and we welcome the city to assist us as they see fit.

6.65\1000  
 SPACES TO BE REMOVED - STATION  
 SPACES TO BE ADDED - STATION  
 SPACES AFTER STATION  
 PARKING RATIO AFTER STATION

AREA 21.82 AC. (INCLUDING OUTLOT)  
 F.F.E. = 598.00'



**Cleveland Tent and Party Rental**  
1-866-299-1786

**Certificate of Flame Resistance**



**REGISTERED  
FABRIC  
NUMBER**  
E-50592

Phone (423) 474-2724      Fax (423) 479-3591

**CLEVELAND TENT & PARTY RENTAL**

Date  
Manufactured

F-60302  
This is to certify that the materials described herein have been flame-retardant treated (or are inherently nonflammable).

This is to certify that this fabric is flame retardant. It is inherent and cannot be removed by age. It is registered with the California State Fire Marshall and meets N.F.P.A. 701 and 5903.2 tests and codes.

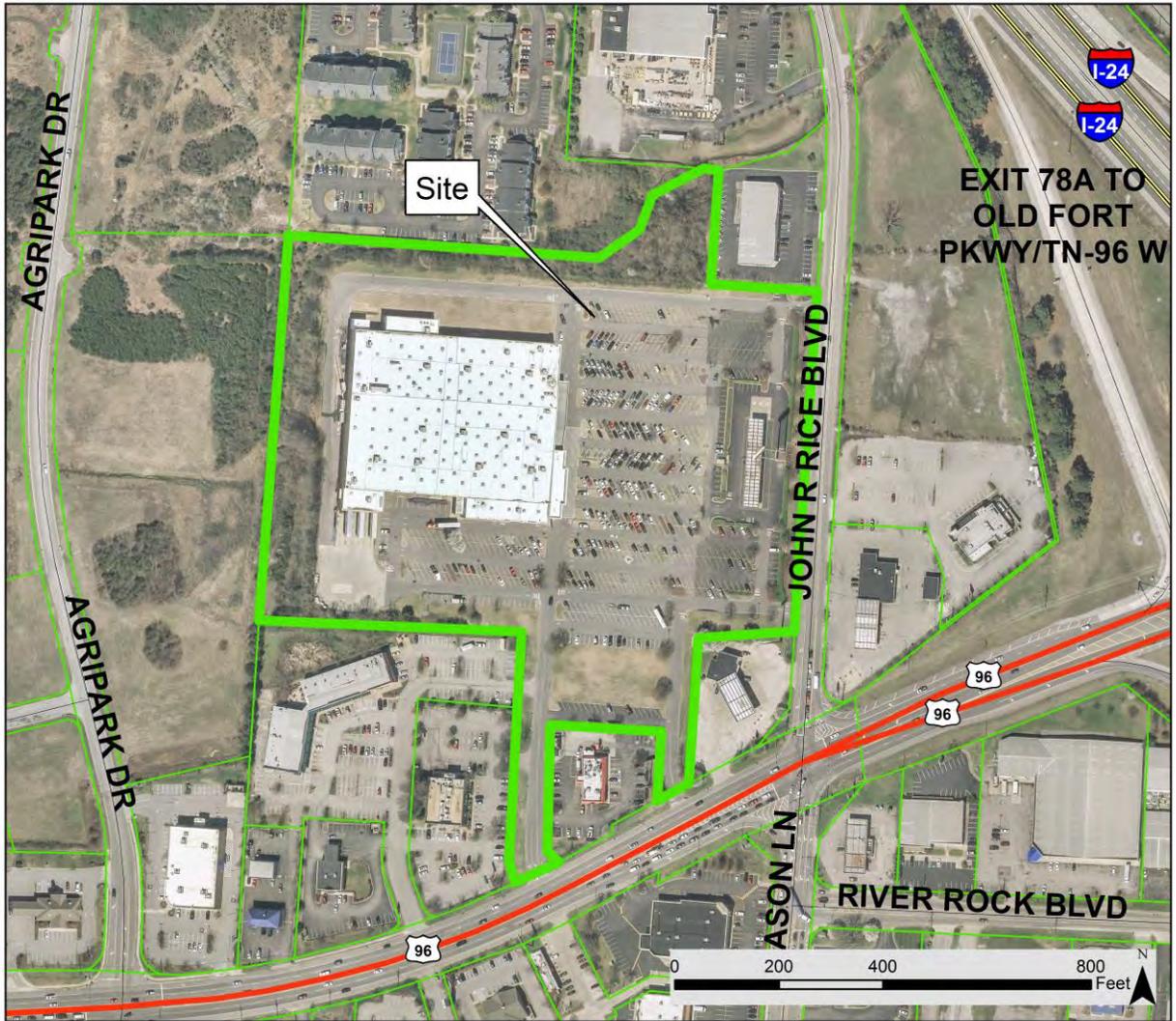
**The Flame Retardant Process Used WILL NOT Be Removed By Washing.**

Cleveland Tent & Party Rental  
*Billy Hilliker*  
 Name of Production Superintendent

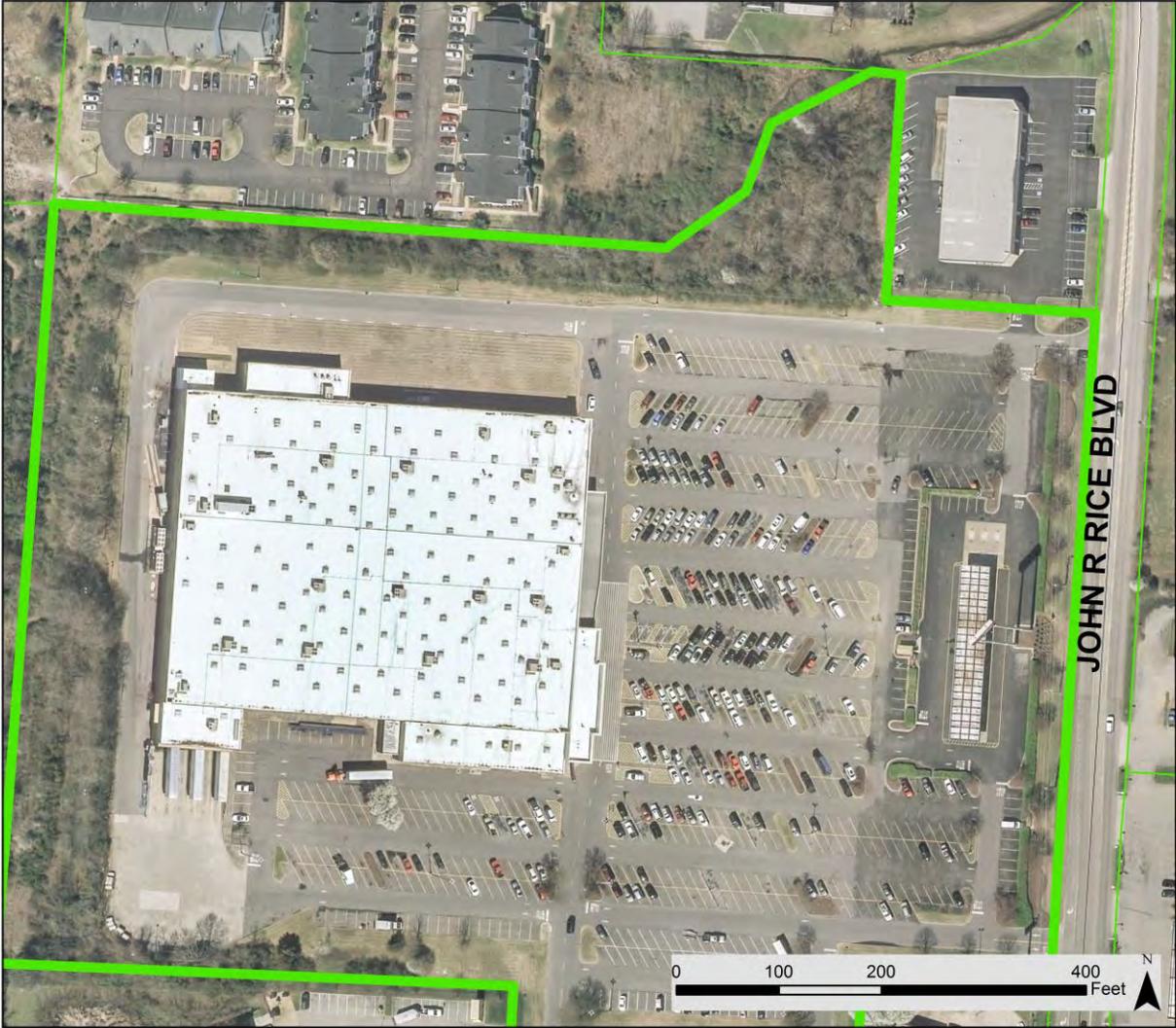
*Scott Brown*



Photographs for Z-16-034  
125 John R. Rice Boulevard



Aerial photograph of subject property.



Aerial photograph of subject property



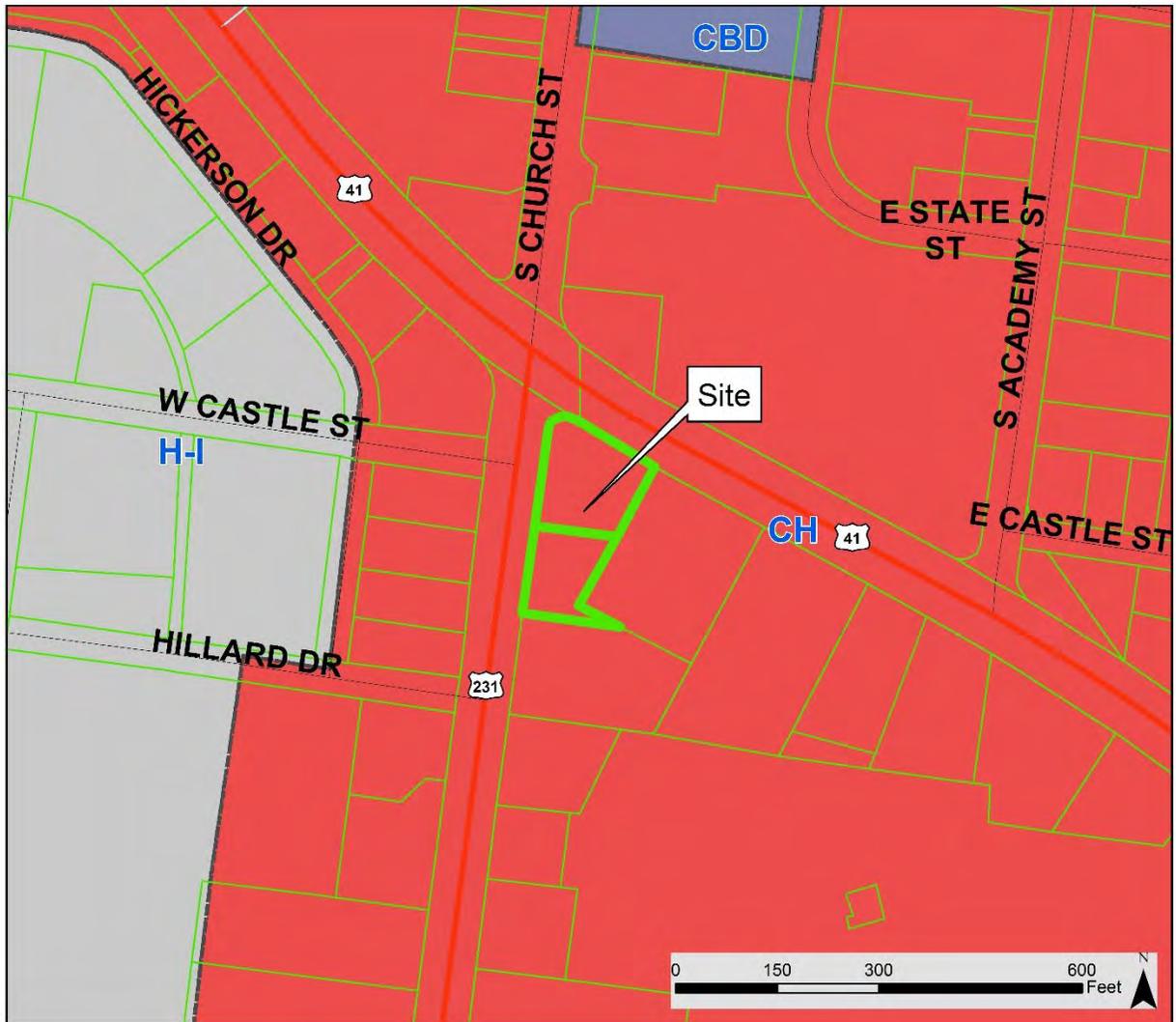
View of parking lot area where proposed fireworks tent would be located. Photo taken from John R. Rice Boulevard looking to the west.



View of parking area where proposed fireworks tent would be located. Google StreetView, June 2013. View from John R. Rice Boulevard looking to the west.

**MURFREESBORO BOARD OF ZONING APPEALS  
STAFF REPORT  
APRIL 27, 2016**

**Application:** Z-16-035  
**Location:** 102 Southeast Broad Street  
**Applicant:** Kathy Biter of B & B Fireworks LLC  
**Zoning:** Highway Commercial (CH) District  
**Request:** A Special Use Permit to operate a Temporary Outdoor Vending Establishment (Fireworks Seasonal Retailer)



## **Request Overview**

The applicant, Kathy Biter of B & B Fireworks, wishes to operate a fireworks sales tent for the Fourth of July season in two vacant lots located at 102 Southeast Broad Street. The subject lots are situated at the southeast corner of the intersection of Southeast Broad Street and South Church Street. Chart 1 (Uses Permitted by Zoning District) of the Murfreesboro Zoning Ordinance lists Fireworks Seasonal Retailer as a use allowed by Special Use Permit in the CH district. The applicant seeks a Special Use Permit from the Board in order to operate the proposed fireworks sales tent.

The tent would be situated toward the center of the southernmost of the two lots. The applicant has provided a letter from the property owner granting the applicant permission to operate the fireworks tent. The Board has previously approved this site for fireworks sales.

## **Staff Comments**

City Code allows fireworks to be sold within the City from June 28 to July 5. Section 9(D)(2)(eeee) of the Murfreesboro Zoning Ordinance allows fireworks retailers to begin site work as early as June 21; the site must be cleared of all debris and structures by July 10. In the attached request letter, the applicant indicates that sales will begin on June 28, sales will end on July 5, and the site will be cleared by July 10. The tent's hours of operation will be from 8:00 AM until 10:00 PM on each day of operation except July 4, when the tent will remain open until Midnight.

As shown on the applicant's site layout exhibit, the proposed tent will adhere to the minimum required setbacks for the CH district (42 feet on the front, 10 feet on the sides, and 20 feet on the rear). The tent would measure 30 feet by 50 feet. The tent would exceed the minimum separation requirement for on-site consumption of alcohol and would be more than 200 feet from the nearest fuel source. An operable fire hydrant is located within 500 feet of the proposed tent. The applicant intends to provide a portable restroom on the premises for customers. The applicant may have an employee remain on site overnight. The applicant will utilize a power connection attached to an existing sign to provide power to the fireworks tent.

The site consists primarily of a gravel surface. While gravel is not typically allowed for parking and driveway areas, this site's preexisting status allows temporary vendors to operate on the site without having to pave the site. Additional gravel may be needed on particularly rough portions of the lot. Access to the site should be limited to the existing curb cut on Southeast Broad Street and the southernmost of three curb cuts on South Church Street. Staff recommends that the two access points on South Church Street closest to the intersection with Southeast Broad Street be barricaded for the duration of the fireworks selling season. Staff also recommends that an existing sodded area on the subject property be barricaded to prevent damage from vehicular traffic.

Due to existing damage to the Town Creek underground drainage structure that runs under a portion of the site, staff recommends that vehicular traffic be prohibited from driving over the structure or its associated 25-foot easement. As shown on the attached exhibit, a Type 3

barricade should be placed along both sides of the easement to prevent the passing of vehicular traffic. A five-foot pedestrian walkway connecting the northern portion of the lot to the southern portion where the fireworks tent will be located should be provided and may pass over the drainage structure and easement. Staff recommends that a licensed surveyor assist the applicant in locating the drainage structure and easement in order to ensure that the tent and tent stakes are placed outside the easement.

The applicant attests that all standards of general applicability for a Special Use Permit will be met. Further, in the request letter, the applicant has addressed all of the specific standards for Temporary Outdoor Vending Establishments.

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

### **Conditions Recommended by Staff**

If the Board approves the application, staff recommends the following conditions:

- 1) The applicant shall provide certification that the tent is flame-resistant or treated to be flame-resistant.
- 2) The applicant shall keep and maintain a fire extinguisher on site at all times.
- 3) The applicant shall keep the City's fireworks ordinance posted on site at all times.
- 4) Fireworks shall not be set-off on site.
- 5) The applicant shall apply for and pass an electrical safety inspection prior to opening for business. An electrical permit shall be purchased from the Building and Codes Department in order to obtain this inspection.
- 6) The fireworks tent shall meet all minimum building setback requirements for the CH zoning district.
- 7) The applicant shall obtain a tent permit for the fireworks tent.
- 8) The applicant shall have a Tennessee licensed surveyor assist in the site layout to ensure that the tent and tent stakes do not encroach into the 25-foot utility easement shown on the site layout.
- 9) The applicant shall provide a walkway five feet in width across the 25-foot utility easement to ensure that customers entering from Southeast Broad Street can safely access the fireworks tent by foot.
- 10) The applicant shall provide a barricade around the existing sodded area on the site to prevent vehicular access.
- 11) The applicant shall provide Class 3 barricades across the two northernmost access ramps on South Church Street. From South Church Street, the only access to the site shall be from the existing paved driveway shared with McDonald's.

### **Attachments**

1. BZA Application
2. Applicant's Supporting Materials
3. Site Photos

<i>City of Murfreesboro</i> <b>BOARD OF ZONING APPEALS</b>	<b>HEARING REQUEST          APPLICATION</b>
---	---

Location/Street Address: <i>SE CORNER BROAD + Church ST.</i>			
Tax Map:	Group:	Parcel:	Zoning District:

Applicant: <i>Kathy Biter B&amp;B fireworks LLC</i> E-Mail: <i>Kb22@yahoo.com</i>		
Address: <i>451 Johnson St.</i>	Phone: <i>931 278 1523</i>	
City: <i>Russellville</i>	State: <i>KY</i>	Zip: <i>71276</i>

Property Owner: <i>JRN, INC.</i>		
Address: <i>209 West Seventh St.</i>	Phone: <i>931-381-3000</i>	
City: <i>Columbia</i>	State: <i>TN</i>	Zip: <i>38401-3233</i>

Request: <i>Special Use Permit for Seasonal fireworks tent</i>	
Zoning District: <i>CT1</i>	
Applicant Signature: <i>Kathy Biter</i>	Date: <i>4/1/16</i>

Received By: <i>B. DAVIS</i>	Receipt No.: <i>22734</i>
Application #:	Date: <i>4-1-16</i>

## Murfreesboro Board of Zoning Appeals

### HEARING APPLICATION AND GENERAL INFORMATION

Board of Zoning Appeals

Special Use Application

Location at SE Corner of Broad and Church St.

Murfreesboro, TN.

Section 8 Procedure for use requiring special permits

D) Procedure:

1 Joan Ross/Owner Greg Clawson/Manager Kathy Biter/retail sales

B&B Fireworks, LLC.

451 Johnson Street

Russellville, KY. 42276

270-726-9923 OR CELL 931-278-4523

B&B Fireworks, LLC. desires to set a tent on this site for the retail sale of fireworks.

We would like to set the tent June 21 st. We are leasing the location from JRN, Inc. (see attached lease)

You have the site plans that Steele Engineering sent to your office. in 2012

The property is located at the SE corner of Broad and Church Street. Murfreesboro, TN. 37133

parcel numbers(102c f02401 & 102c f02500)

A map is included in this application

The current zoning is CH

the hours of operation 8am til 10pm June 28th through Juld 5th except on July 4th 8am till 12 am.

B&B Fireworks are NOT planning on having sales for the New Years season

Tent will be up from operational from June 28th till July 5th and will be down and fully cleared and cleaned by July 10th

The number of people expected ,at one time is less that 30

Projected traffic flow should not be more than 10 to 15 cars at one time

Fireworks will NOT be shot at this location and smoking will only be allowed 300 feet away from tent.

Operators of this location have been trained in the DOT class C explosives. Fire extinguisher are on site with 24 hour security while fireworks are present.

we will only be using one entrance to the locaton. Security barrolls will be in place at the closed entrance. <sup>15</sup> \$3 barricades will be placed on location

## JRN, INC. LEASE AGREEMENT

THIS LEASE AGREEMENT made and entered into this 26th day of February 2016 by and between JRN, INC. hereinafter referred to as "LANDLORD" and B & B FIREWORKS LLC./d/b/a Southern Boom, hereinafter referred to as "TENANT".

### WITNESETH:

#### 1. DEMISE AND PREMISES

THE LANDLORD in consideration of the rents hereinafter reserved and agreed to be paid by the TENANT, hereby lets, leases, and demises to the TENANT for any lawful purpose certain premises with all improvements now or hereafter erected thereon, located at Corner of Broad Street and Church Street (parcel numbers 102C F 02401 & 102C F 02500) in Murfreesboro, Tennessee, and more particularly described on the property sketch to be furnished together with all the LANDLORD'S easements and appurtenances in, over and upon adjoining and adjacent public and private land, highways, roads, streets, lanes and other areas reasonably required for the installation, maintenance, operation and service of any and all utilities and means of ingress and egress to or from the demised premises. Legal description is attached hereto as Exhibit "A".

**14. UTILITIES**

THE TENANT WILL pay when due all charges for gas, water, electricity, and any other utility service used on the premises by or for the TENANT.

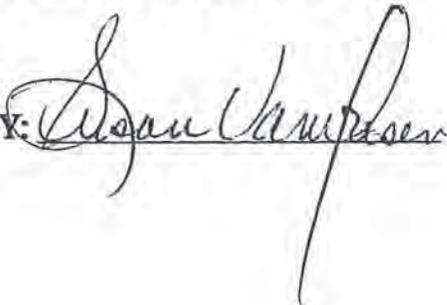
**15. EXHIBIT**

Exhibit "A" is attached and forms a part of this lease.

IN WITNESS WHEREOF, the parties hereto have caused this lease to be duly executed as of the day and year first above written.

ATTESTATION OR WITNESS

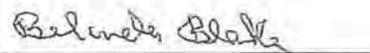
LANDLORD: JRN, INC.

BY: 

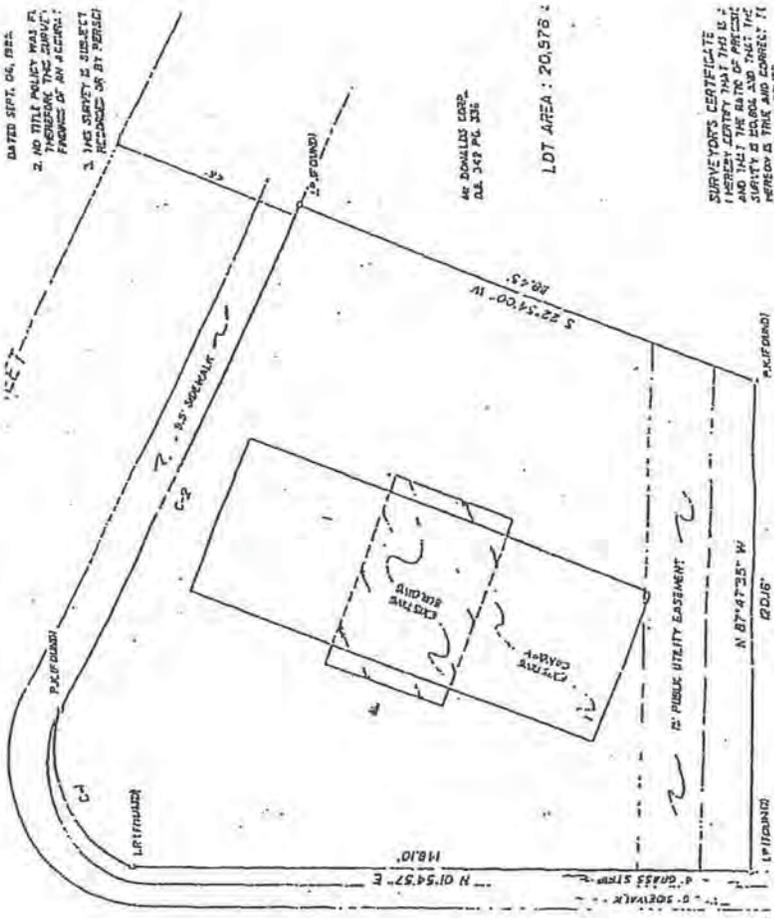
BY:   
CLAY NEAL, VICE PRESIDENT

ATTESTATION OR WITNESS

TENANT: B & B FIREWORKS LLC./d/b/a Southern Boom

BY: 

BY:   
GREG CLAWSON and or KATHY BITER



DATED SEPT. 06, 1922  
 2. NO TITLE POLICY WAS PL.  
 THROUGH THE SURVEY  
 FRAMES OF THE RECORD.  
 3. THIS SURVEY IS SUBJECT  
 RECORDS OR BY OTHER

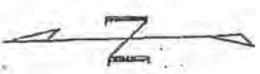
MR DONALD COE  
 DLA 347 PG 358

LOT AREA : 20,578 :

SURVEYORS CERTIFICATE  
 I HEREBY CERTIFY THAT THIS IS A  
 TRUE AND CORRECT COPY OF THE  
 ORIGINAL RECORD AND THAT THE  
 SURVEY IS ACCURATE AND THAT THE  
 RECORD IS TRUE AND CORRECT. I  
 KNOWLEDGE AND BELIEF.

1/20' PUBLIC UTILITY EASEMENT

CHURCH STREET



CURVE DATA

1	41' 00" 00"
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98	41' 00" 00"
99	41' 00" 00"
100	41' 00" 00"

3/10/97  
 [Signature]



# Certificate of Flame Resistance



ISSUED BY  
NASHVILLE TENT & AWNING COMPANY  
NASHVILLE, TN 37208  
MANUFACTURERS OF THE FINISHED  
TENT PRODUCTS DESCRIBED HEREIN

This is to certify that the materials described have been flame-retardant treated (or are inherently nonflammable) and were supplied to:

NAME B & B FIREWORKS

CITY RUSSELLVILLE

STATE KY

Certification is hereby made that:

The articles described on this Certificate have been treated with a flame-retardant approved chemical and that the application of said chemical was done in conformity with California Fire Marshal Code NFPA 701 LARGE SCALE

Method of application: LAMINATED

Type of canvas: 6 1/2" 13 OZ. "HIGH GLOSS" VINYL

Items certified: PUSH POLE AND FRAME TENTS VARIOUS SIZES AND COLORS

Features: Water-resistant Processors Used With Poles And Hardware by Washington and is Effective For Two Life Cycle Tests

SNYDER MANUFACTURING, INC.  
DOVER, OHIO 44622

Name of Applicant or Firm Receiving Proof

Signed Edna M. Husband  
NASHVILLE TENT & AWNING CO.



# TENNESSEE DEPARTMENT OF REVENUE

## CERTIFICATE OF REGISTRATION

**B & B FIREWORKS, LLC**  
**451 JOHNSON ST**  
**RUSSELLVILLE KY 42276-1622**

May 2, 2012

Account Type: SALES&USE  
 Account No.: 105458284  
 Filing Status: ANNUAL

We have received and processed your application for registration. Your valid certificate is attached below. This certificate must be publicly displayed at the location for which it is issued. The account number on this certificate is used by the department to identify your account and must be shown on all reports and correspondence. The reverse side of this certificate contains important information regarding change and/or cancellation instructions.

### T.C.A. 67-6-607 Unauthorized Use of Certificate

It is a Class C misdemeanor for any person having a certificate of registration to:

- (1) Use such certificate for the purpose of purchasing tangible personal property subject to the tax herein levied except for resale, unless authorized to do so by other provision of this chapter and the rules and regulations adopted pursuant thereto; or
- (2) Use or consume any tangible personal property purchased or otherwise acquired under the certificate of registration and subject to the privilege taxes herein levied, without paying the privilege taxes.

### Reporting Forms

You will receive appropriate reporting forms and instructions based on filing status. You are required to file a monthly, quarterly, or annual return even if no tax is due. If your business opens after the 20th of the month, do not file a separate return covering only the days remaining in the month. Rather, include those days on the return covering your first full period.

This does not apply to qualified lease departments and antique mall dealers where the owners of the business collect and report the tax.

### Penalty & Interest

In order to avoid penalty and interest all returns must be postmarked on or before the due date of the month following the reporting period.

### Electronic Funds Transfer

Persons liable for remitting two thousand five hundred dollars (\$2,500) or more in tax with any return, report or other document are required by law to make tax payments by electronic funds transfer (EFT).

For additional information regarding this account you may call Taxpayer Services between 8:00 a.m. and 4:30 p.m., Monday through Friday, holidays excepted. Please see the back of this notice for our local offices and phone numbers.

DETACH HERE AND DISPLAY IN PUBLIC AREA

**TENNESSEE DEPARTMENT OF REVENUE**  
**CERTIFICATE OF REGISTRATION**  
**SALES&USE**

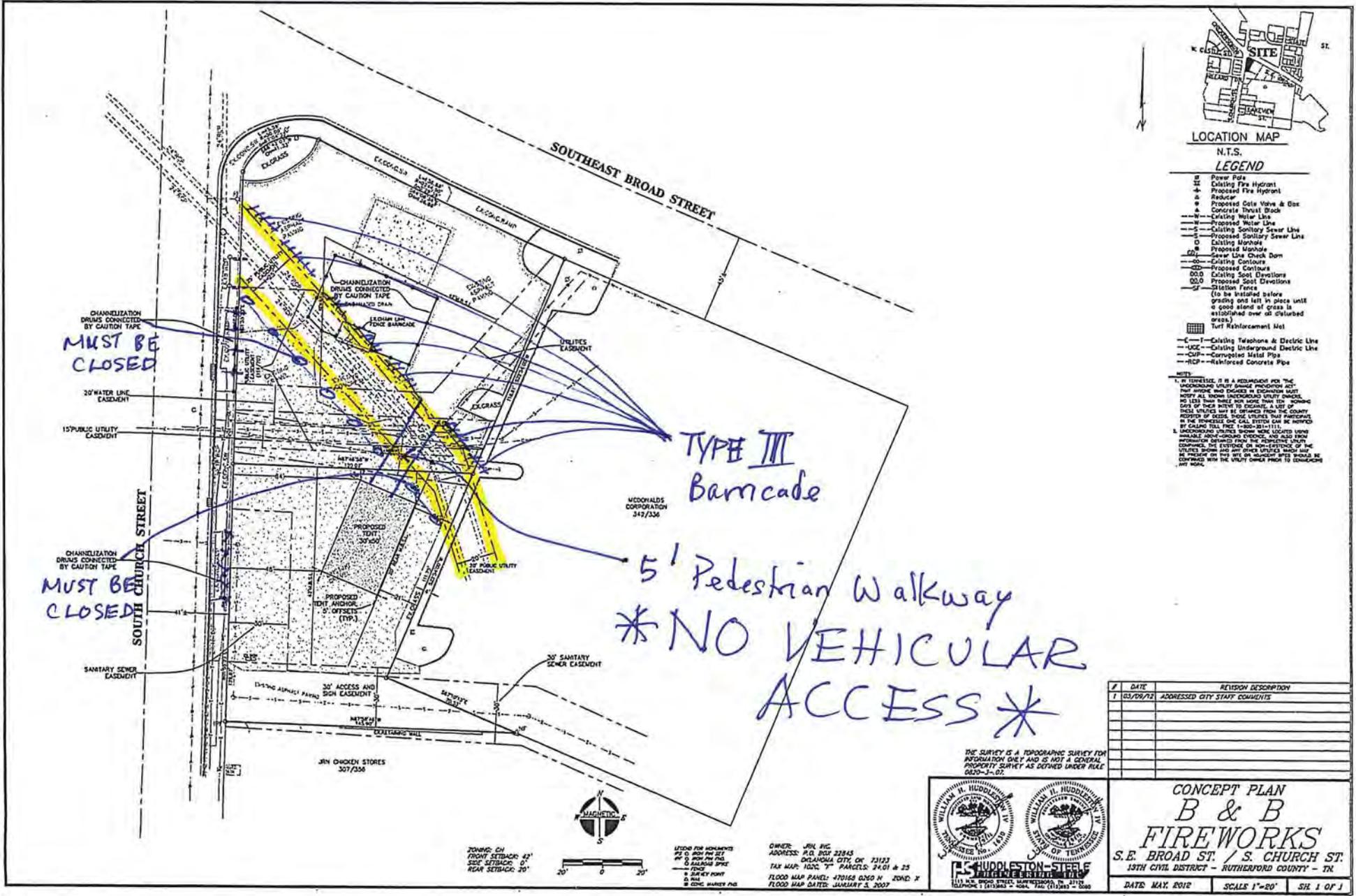
This certificate must be publicly displayed

**B & B FIREWORKS, LLC**  
**451 JOHNSON ST**  
**RUSSELLVILLE, KY 42276-1622**

Account Type: SALES&USE  
 Account No.: 105458284  
 Effective Date: March 1, 2009

Richard H. Roberts  
 COMMISSIONER OF REVENUE

CULMAN PROJECTS, 300 W. BROAD ST., SUITE 100, MEMPHIS, TN 38102



LOCATION MAP  
N.T.S.

LEGEND

- Power Pole
- Existing Fire Hydrant
- Proposed Fire Hydrant
- Reducer
- Proposed Gate Valve & Box
- Concrete Thrust Block
- Existing Water Line
- Proposed Water Line
- Existing Sanitary Sewer Line
- Proposed Sanitary Sewer Line
- Existing Manhole
- Proposed Manhole
- Sewer Line Check Dam
- Existing Contour
- Proposed Contour
- Existing Spot Elevations
- Proposed Spot Elevations
- Distention Fence  
(to be installed before grading and left in place until a good stand of grass is established over all disturbed areas)
- Turf Reinforcement Mat
- Existing Telephone & Electric Line
- Existing Underground Electric Line
- Corropted Metal Pipe
- Reinforced Concrete Pipe

NOTES:  
1. IN TENNESSEE, IT IS A REQUIREMENT FOR THE UNDERGROUND UTILITY SERVICE PROVIDER TO MAINTAIN ALL UNDERGROUND UTILITY RECORDS FOR A PERIOD OF NOT LESS THAN FIFTY (50) YEARS FROM THE DATE OF THEIR INSTALLATION. A LIST OF THESE UTILITIES AND THE SERVICE PROVIDER FOR EACH OF THESE UTILITIES IS LISTED ON THIS PLAN. AT THE TIME OF THIS SURVEY, THE SERVICE PROVIDER FOR EACH OF THESE UTILITIES WAS NOT KNOWN. THE SERVICE PROVIDER FOR EACH OF THESE UTILITIES SHOULD BE CONTACTED FOR THE SERVICE PROVIDER'S RECORDS. THE SERVICE PROVIDER'S RECORDS SHOULD BE MAINTAINED WITH THE UTILITY RECORDS PRIOR TO CONSTRUCTION OF THE PROJECT.

#	DATE	REVISION DESCRIPTION
1	03/19/12	ADDRESSED CITY STAFF COMMENTS

THIS SURVEY IS A TOPOGRAPHIC SURVEY FOR INFORMATION ONLY AND IS NOT A GENERAL PROPERTY SURVEY AS DEFINED UNDER RULE 0620-3-.02.



**CONCEPT PLAN**  
**B & B**  
**FIREWORKS**  
S.E. BROAD ST. / S. CHURCH ST.  
15TH CIVIL DISTRICT - RUTHERFORD COUNTY - TN

DATE: MAY, 2012      SCALE: 1"=20'      SHEET 1 OF 1



OWNER: JBL, INC.  
ADDRESS: P.O. BOX 22943  
MEMPHIS, TN 38123  
TAX MAP: 102C, 7" PARCELS: 24.01 & 25  
FLOOD MAP PANEL: 470168 0250 N. ZONE: X  
FLOOD MAP DATED: JANUARY 3, 2007

OWNER: JBL, INC.  
ADDRESS: P.O. BOX 22943  
MEMPHIS, TN 38123  
TAX MAP: 102C, 7" PARCELS: 24.01 & 25  
FLOOD MAP PANEL: 470168 0250 N. ZONE: X  
FLOOD MAP DATED: JANUARY 3, 2007



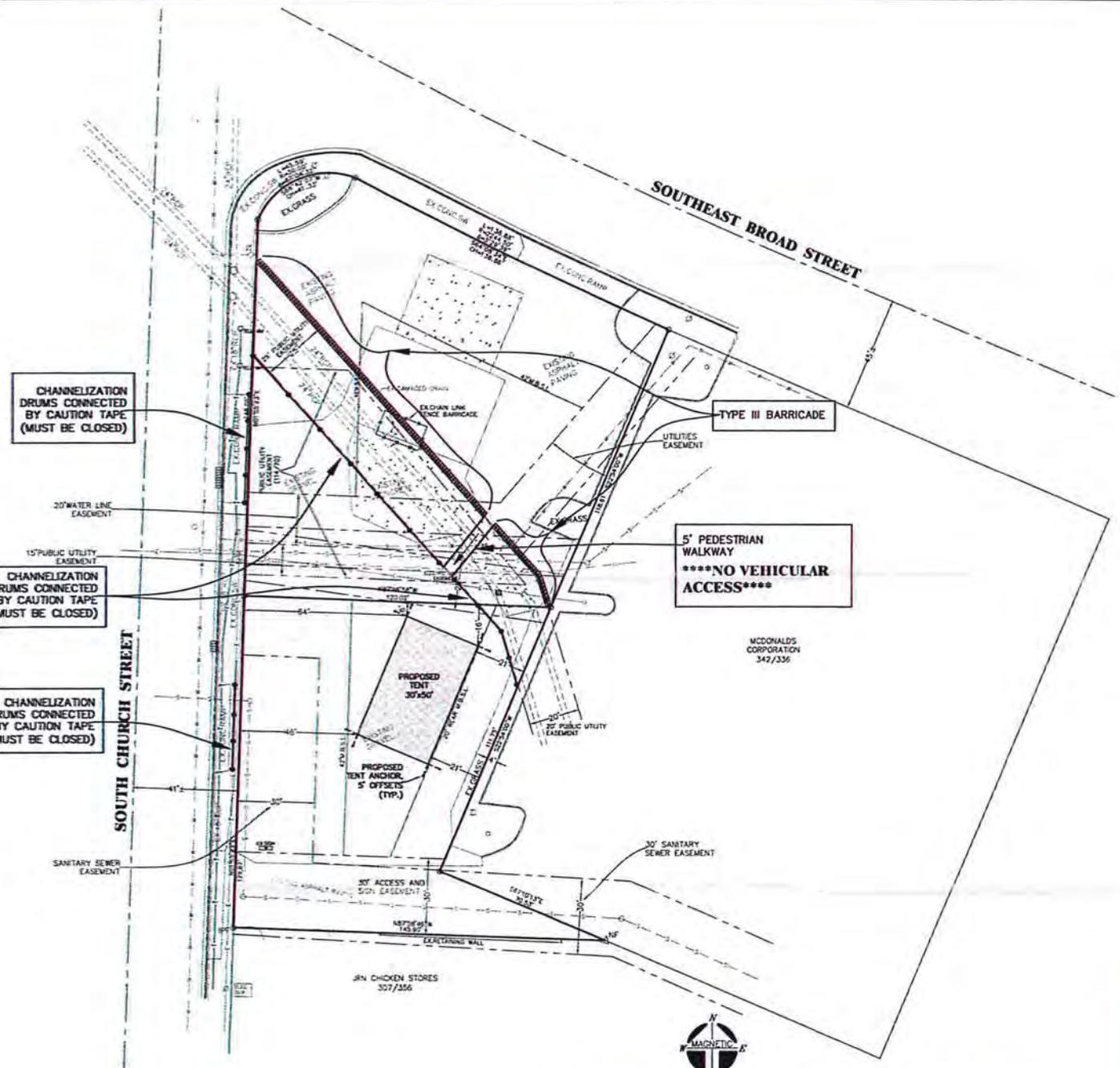
LOCATION MAP

N.T.S.

LEGEND

- Power Pole
- ⊕ Existing Fire Hydrant
- ⊕ Proposed Fire Hydrant
- △ Reducer
- ⊕ Proposed Gate Valve & Box
- ⊕ Concrete Thrust Block
- W— Existing Water Line
- W— Proposed Water Line
- S— Existing Sanitary Sewer Line
- S— Proposed Sanitary Sewer Line
- Existing Manhole
- Proposed Manhole
- S— Sewer Line Check Dam
- C— Existing Contours
- C— Proposed Contours
- 00.0 Existing Spot Elevations
- 00.0 Proposed Spot Elevations
- S— Station Fence
- Turf Reinforcement Mat
- E— Existing Telephones & Electric Line
- UOL— Existing Underground Electric Line
- CMP— Corrugated Metal Pipe
- RCP— Reinforced Concrete Pipe

- NOTES
1. IN TENNESSEE, IF IT IS A REQUIREMENT FOR THE UNDERGROUND UTILITY DAMAGE PREVENTION ACT, THIS OFFICE, WHO ENGAGES IN EXCAVATION MUST NOTIFY ALL KNOWN UNDERGROUND UTILITY OWNERS, NO LESS THAN THREE NOR MORE THAN TEN WORKING DAYS OF THEIR INTENT TO EXCAVATE. A LIST OF THESE UTILITIES MAY BE OBTAINED FROM THE COUNTY REGISTER OF DEEDS. THOSE UTILITIES WHO PARTICIPATE IN THE TENNESSEE ONE CALL SYSTEM CAN BE NOTIFIED BY CALLING TOLL FREE 1-800-381-1111.
  2. UNDERGROUND UTILITIES SHOWN WERE LOCATED USING AVAILABLE ABOVE-GROUND EVIDENCE, AND ALSO FROM INFORMATION OBTAINED FROM THE RESPECTIVE UTILITY COMPANIES. THE EXISTENCE OR NON-EXISTENCE OF THE UTILITIES SHOWN AND ANY OTHER UTILITIES WHICH MAY BE PRESENT ON THIS SITE OR ADJACENT SITES SHOULD BE CONFIRMED WITH THE UTILITY OWNER PRIOR TO COMMENCING ANY WORK.



CHANNELIZATION DRUMS CONNECTED BY CAUTION TAPE (MUST BE CLOSED)

CHANNELIZATION DRUMS CONNECTED BY CAUTION TAPE (MUST BE CLOSED)

CHANNELIZATION DRUMS CONNECTED BY CAUTION TAPE (MUST BE CLOSED)

5' PEDESTRIAN WALKWAY  
\*\*\*\*\*NO VEHICULAR ACCESS\*\*\*\*\*

TYPE III BARRICADE

MCDONALD'S CORPORATION  
342/336

314 CHICKEN STORES  
307/356

#	DATE	REVISION DESCRIPTION

THE SURVEY IS A TOPOGRAPHIC SURVEY FOR INFORMATION ONLY AND IS NOT A GENERAL PROPERTY SURVEY AS DEFINED UNDER RULE 6820-3-.07.

CONCEPT PLAN  
**B & B**  
**FIREWORKS**  
S.E. BROAD ST. / S. CHURCH  
13TH CIVIL DISTRICT - RUTHERFORD COUNTY -  
DATE: MAY, 2015      SCALE 1"=20'      SH. 1

ZONING: CH  
FRONT SETBACK: 42'  
SIDE SETBACK: 0'  
REAR SETBACK: 20'

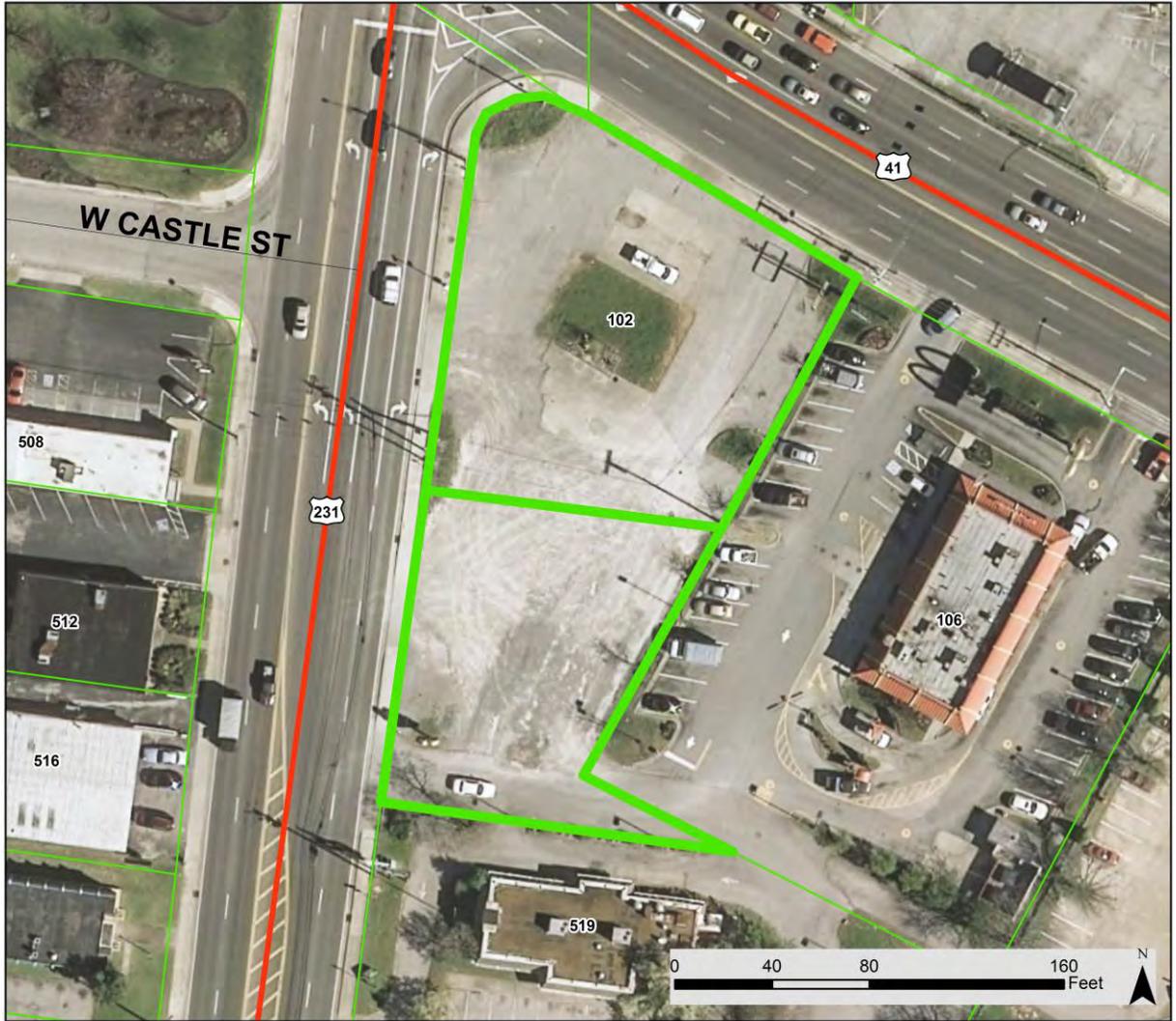
LEGEND FOR MONUMENTS  
#1 0 IRON PIN SET  
#2 0 IRON PIN FIND  
#3 0 GALVANIZED IRON  
— FENCE  
\* SURVEY POINT  
△ B.M.  
■ CONC. MARKER FIND

OWNER: JBL INC.  
ADDRESS: P.O. BOX 22845  
OKLAHOMA CITY, OK 73123  
TAX MAP: 102C, 7" PARCELS: 24.01 & 25  
FLOOD MAP PANEL: 470168 0260 H ZONE: X  
FLOOD MAP DATED: JANUARY 5, 2007

Photographs for Z-16-035  
102 Southeast Broad Street



Aerial photograph of subject property.



Aerial photograph of subject property.



View of subject property with fireworks tent. Google StreetView, June 2015. Barricades are visible along northernmost curb cuts on South Church Street.



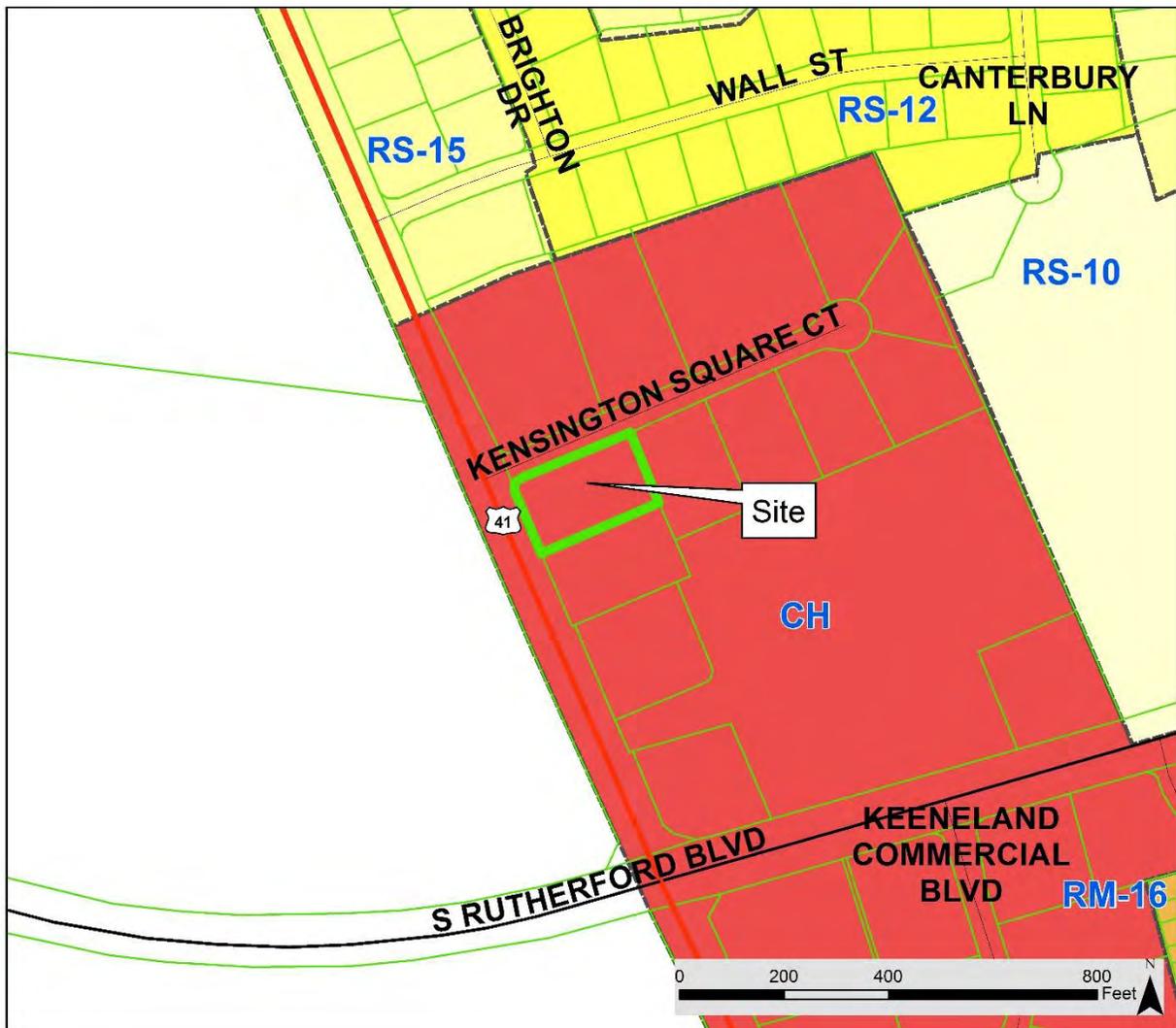
View of subject property with fireworks tent. Google StreetView, June 2015. Barricades are visible along northernmost curb cuts on South Church Street. The curb cut to the right (south) of the McDonald's sign is open for restaurant and fireworks tent traffic.



View of subject property with fireworks tent. Google StreetView, June 2015. Barricades are visible through center of lot to prevent vehicles from traveling over the Town Creek underground drainage structure.

**MURFREESBORO BOARD OF ZONING APPEALS  
STAFF REPORT  
APRIL 27, 2016**

**Application:** Z-16-036  
**Location:** Southeast corner of intersection of Southeast Broad Street and Kensington Square Court  
**Applicant:** Jake Loyd of Mid-America Distributors  
**Zoning:** Highway Commercial (CH) District  
**Request:** A Special Use Permit to operate a Temporary Outdoor Vending Establishment (Fireworks Seasonal Retailer)



## **Request Overview**

The applicant, Jake Loyd of Mid-America Distributors, wishes to operate a fireworks sales tent for the Fourth of July season in a vacant lot adjacent to an existing Dollar General Store at the southeast corner of Southeast Broad Street and Kensington Square Court. Chart 1 (Uses Permitted by Zoning District) of the Murfreesboro Zoning Ordinance lists Fireworks Seasonal Retailer as a use allowed by Special Use Permit in the CH district. The applicant seeks a Special Use Permit from the Board in order to operate the proposed fireworks sales tent.

The tent would be situated toward the northwestern corner of the existing lot. The applicant has provided a lease agreement granting the applicant permission to operate the fireworks tent. The Board has previously approved this site for fireworks sales.

## **Staff Comments**

City Code allows fireworks to be sold within the City from June 28 to July 5. Section 9(D)(2)(eeee) of the Murfreesboro Zoning Ordinance allows fireworks retailers to begin site work as early as June 21; the site must be cleared of all debris and structures by July 10. In the attached request letter, the applicant indicates that site preparation will begin on June 21, sales will begin on June 28, sales will end on July 5, and the site will be cleared by July 10. The tent's hours of operation will be from 8:00 AM until 10:00 PM on each day of operation except July 3 and July 4, when the tent will be open from 7:00 AM until Midnight.

As shown on the applicant's site layout exhibit, the proposed tent will adhere to the minimum required setbacks for the CH district (42 feet on the front, 10 feet on the sides, and 20 feet on the rear). The tent would measure 30 feet by 60 feet. The applicant attests that the site was used for temporary vending prior to the adoption of the City's requirement that parking lots consist of hard-surface, dustless materials; therefore, the existing gravel lot may continue to be used for temporary vending. The tent would exceed the minimum separation requirement for on-site consumption of alcohol and would be more than 200 feet from the nearest fuel source. An operable fire hydrant is located within 500 feet of the proposed tent. The applicant intends to provide a portable restroom on the premises for customers. The applicant may have an employee remain on site overnight. A generator will be utilized to provide power for the tent.

The applicant attests that all standards of general applicability for a Special Use Permit will be met. Further, in the request letter, the applicant has addressed all of the specific standards for Temporary Outdoor Vending Establishments.

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

## **Conditions Recommended by Staff**

If the Board approves the application, staff recommends the following conditions:

- 1) The applicant shall provide certification that the tent is flame-resistant or treated to be flame-resistant.

- 2) The applicant shall keep and maintain a fire extinguisher on site at all times.
- 3) The applicant shall keep the City's fireworks ordinance posted on site at all times.
- 4) Fireworks shall not be set-off on site.
- 5) The applicant shall apply for and pass an electrical safety inspection prior to opening for business. An electrical permit shall be purchased from the Building and Codes Department in order to obtain this inspection.
- 6) The fireworks tent shall meet all minimum building setback requirements for the CH zoning district.
- 7) The applicant shall obtain a tent permit for the fireworks tent.
- 8) Vehicular access from Southeast Broad Street shall not be allowed.
- 9) All grass and weeds growing through the existing gravel shall be removed and/or destroyed. The applicant shall supplement existing gravel with additional gravel to provide a smoother driving and walking surface where needed.

### **Attachments**

1. BZA Application
2. Applicant's Supporting Materials
3. Site Photos

City of Murfreesboro  
BOARD OF ZONING APPEALS

HEARING REQUEST  
APPLICATION

Location/Street Address: SE Corner of Kensington Square Court & SE Broad

Tax Map: 112A    Group: B    Parcel: 27.00    Zoning District: CH

Applicant: Jake Loyd    E-Mail: jake@madfireworks.com

Address: PO Box 1628    Phone: 615-793-9393

City: LaVergne    State: TN    Zip: 37086

Property Owner: John Holloway (Tim Williamson & Steve Myers)

Address: PO Box 416    Phone: (615) 895-7300

City: Murfreesboro    State: TN    Zip: 37133

Request: To operate a seasonal fireworks outlet from June 28 to July 5.

Zoning District: Commercial Highway (CH)

Applicant Signature: *Jake Loyd*    Date: 4/10/2016

Received By: *B. Davis*    Receipt No.: *22736*

Application #: *4-11-16*

Murfreesboro  
Board of  
Zoning Appeals



T E N N E S S E E

HEARING APPLICATION  
AND  
GENERAL INFORMATION

April 10, 2016

Mr. Robert Lewis  
City of Murfreesboro  
Planning and Engineering Department  
P.O. Box 1139  
Murfreesboro, TN 37133

Dear Mr. Lewis:

Mid America Distributors, Inc. respectfully requests permission to appear at the March meeting of the Murfreesboro Board of Zoning Appeals for the purpose of obtaining a permit to sell fireworks in the City of Murfreesboro at the SE Broad Street and Kensington Square Ct. next to the Dollar General.

Listed Below is an itemized list of how this location complies with the city's regulations.

#### **SECTION 8. PROCEDURE FOR USES REQUIRED SPECIAL PERMITS**

##### **(D) Procedure.**

(1)

- (a) Jake Loyd / 849 Lakemont Dr., Nashville, TN 37220 / 615-207-0452
- (b) Mid America Dist. plans to use this site to sell fireworks during the allotted time as designated by the City of Murfreesboro during the July 4 Season. We also have a lease agreement with the property owner. Proper documentation is attached.
- (c) Site plan enclosed
- (d) Corner of SE Broad Street and Kensington Square Court in small field next to the Dollar General in Murfreesboro, TN
- (f) Commercial Highway (CH)
- (g) Manner in which special use will be conducted or operated:
  - [1] Days: June 28 – July 5 / Hours: 8am – 10pm (except July 3 & 4, which will be 7am – 12pm)
  - [2] Duration: we will be selling for a total of eight (8) days for the July 4 season
  - [3] It is estimated that this location will have around 90 customers per day
  - [4] It is estimated that this location will have around 45 vehicles visit it per day
- (h) We do not foresee any harmful characteristics on this zoning district, in fact we have operated at this location for ten (10) straight years without any problems.

#### **SECTION 9. STANDARDS FOR SPECIAL PERMIT USES**

##### **(C) Standards of general applicability.**

- (1) Putting a fireworks tent on this location will in no way have a substantial or undue adverse affect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities, and other matters affecting the public health, safety, and general welfare
- (2) This fireworks tent will be constructed, arranged, and operated in a compatible manner with the immediate vicinity and will not interfere with any development or use of adjacent property in accordance with the applicable district regulations

- (3) This location will adequately serve by essential public facilities and services such as highways, streets, parking spaces, drainage structures, refuse disposal, fire protection, water and sewers; if the location itself does not provide any of these the tent operator or Mid America Distributors will
- (4) By selling fireworks at this location it will not result in the destruction, loss, or damage of any feature determined by the BZA to be of significant natural, scenic, or historic importance
- (5) Selling fireworks at this location complies with all additional standards (see below)
- (Z) *Temporary vendors, as described in Section 25(D)(4) of this article, are subject to the following additional standards:*
  - [1] Owner of the property or the owner's authorized agent's signature on application for the temporary vendor Special Use Permit is attached
  - [2] There is adequate parking on this site insuring that backing onto the street is not necessary. The parking area is a gravel surface for this location. The proposed location is not on the site of an existing permanent business.
  - [3] Traffic control measures are not needed for this site. We have been selling here for the last ten (10) years without any traffic issues or problems, but we will make provisions if deemed necessary by the BZA.
  - [4] The tent at this site will be erected or placed in conformance with all applicable Codes. The tent will have an emergency exit in addition to its normal entrance/exit. The only vehicle(s) that will be left on this site overnight are the ones that whoever is sleeping in the tent is driving. The location of the tent operator's vehicle is shown on the attached site plan. Other than what is mentioned above, there will be no other facilities, vehicles, trailer, etc left on site overnight.
  - [5] This site is within five hundred feet from an operable fire hydrant.
  - [6] Deposit of \$500 given / policy understood
  - [7] Restroom provisions: a portable toilet will be provided for this location
  - [8] Special Use Permit granted by BZA will be posted at this tent for inspections
  - [9] Setting up a fireworks tent at this site are not in violation with any sign, building, fire, electrical, or any other City ordinances. If such violations were to occur and we receive a notice, we understand the 24 hours deadline policy to fix the problem.
  - [10] A generator will be used at this location to provide power
  - [11] This tent will be erected outside of all easements for electrical power transmission and distribution.
  - [12] Adequate provisions for solid waste management have been made. In most cases, our tent operators take their solid waste to a city facility designated for this purpose, to our warehouse, or another site where they have obtained permission to do so. In any event, there will not be a dumpster used on this site.
  - [13] I am well aware of the sign ordinance and what signage is legal. We will make certain that all of our signage complies with the sign ordinance.
  - [14] There will not be any noises, etc that will disturb the piece coming from this location.
  - [15] We only plan to use and apply for use of this location for the following period: June 28 – July 5, which does not exceed 70 days.
  - [16] We will comply with any additional standards that the BZA may require in order to assure compatibility of this location with adjoining properties.

- [17] The site for this tent is located on gravel, was legally established, and existed for the use of temporary vending purposes prior to January 1, 2007.
- [18] Additional standards of a Special Use Permit for temporary vending of fireworks:
- [aa] There is not a fuel source within two hundred feet of this proposed tent location or any fireworks inventory.
  - [bb] There are no facilities for onsite consumption of alcohol within a straight-line measurement of two hundred fifty feet of this proposed tent location or any fireworks merchandise.
  - [cc] We are applying for this application to sell fireworks from June 28 through July 5. We understand that all activities and materials associated with the temporary sell of fireworks during these periods must not begin before June 21 and must end and be cleared by July 10.
  - [dd] We understand that as a Fireworks seasonal retailer we must comply with all state and City laws and all ordinances regarding the sale of fireworks, including but not limited to T.C.A. §68-104-101 and City Code §12.
  - [ee] We are only asking for approval for one period within the next year, we understand that we must apply again for any periods exceeding a year to date.

**SECTION 12-30 PROHIBITED SALES, USE AND POSSESSION OF FIREWORKS.**

- [A] We understand the definition of a *Bottle Rocket, D.O.T. Class C common firework, Mortar, and Reloadable.*
- [B] We understand that a person must be at least sixteen (16) years of age to purchase any D.O.T. Class C common fireworks. We also understand that any person sixteen (16) or seventeen (17) must show a state issued photo identification as proof of age to the seller or be accompanied by an adult.
- [C] We understand that, other than for a public display, it shall be unlawful for any person with the City of Murfreesboro to sell, use or possess any mortar firework with a single tube that is preloaded or having a diameter of 1.5" or more.
- [D] We understand that, other than for a public display, it shall be unlawful for any person with the City of Murfreesboro to sell, use, or possess any reloadable firework.
- [E] We understand that, other than for a public display, it shall be unlawful for any person with the City of Murfreesboro to sell, use, or possess any bottle rocket.

LEASE AGREEMENT

February 17, 2016

**PARTIES:**

<p><b>LESSORS:</b> John Holloway, Authorized Agent          Tim A. Williams, Owner          Steve A. Myers, Owner          c/o John Holloway          P.O. Box 416          Murfreesboro, TN 37133-0416</p>	<p><b>LESSEE:</b> Jake Loyd, VP          Mid America Dist., Inc.          P.O. Box 1628          LaVergne, TN 37086</p>
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**DESCRIPTION AND USE OF PROPERTY:**

The property leased is the vacant lot at the southeast corner of Kensington Square Ct. and S.E. Broad, Murfreesboro, TN. LESSORS agree to exclusively rent the above described property to LESSEE and to give LESSEE the sole and exclusive right to sell Consumer Fireworks during the herein stated rental period.

**CONTINGENCIES:**

This lease is subject to the approval of all City of Murfreesboro and State of Tennessee authorities. If the outlet cannot be operated due to Acts of God or if LESSEE is unable to obtain all permits required to legally operate the fireworks outlet, LESSORS hereby agree to promptly refund all prepaid rent within 15 days of LESSEE'S notice. If the above described property is sold, permanently developed, or long-term leased (at least 24 consecutive month) for a non-fireworks use, this LEASE AGREEMENT becomes void upon LESSORS giving LESSEE a forty-five (45) day written notice in advance of the rental period.

**TERM AND RENTAL PERIOD:**

LESSORS grant to LESSEE a periodic lease of the above described premises during the following fireworks sales periods and for the respective rental amounts set forth opposite each occupancy.

<u>Rental Period</u>	<u>Rent</u>
June 14, 2016 to July 10, 2016	
June 15, 2017 to July 10, 2017	

All rents are payable in advance. Upon acceptance of this agreement, a partial rent payment shall be paid to LESSOR as an advance rent payment for the 2016 season. The rent balance of \_\_\_\_\_ will be paid in advance of the 2016 rental period.

**INSURANCE, GRAVEL & BUSHHOGGING:**

LESSEE supplies LESSORS, in advance of the rental period, with a binder, naming LESSORS for at least \$500,000 each occurrence whether in respect to bodily injury liability or property damage liability combined. LESSEE will be allowed to spread gravel at tent location and for off street parking to meet the requirements of Murfreesboro Codes. LESSORS agree to bushhog or mow the lot between June 1 and June 10 of each year.

**CLEAN-UP AND ADVERTISING:**

LESSEE agrees to remove all structural items, debris and leave the premises clean at the termination of this lease. LESSEE will be allowed to leave the temporary electric pole on the premises (due to the expense of erecting and removing) but will promptly remove it if the agreement is voided due to any occurrence in the "Contingencies" paragraph or when the agreement expires. LESSEE will be allowed to erect a portable electric sign for advertising near the street.

**FIRST RIGHT OF REFUSAL TO LEASE IN 2018:**

Subsequent to the terms of this lease, LESSORS grant to LESSEE the First Right of Refusal for the privilege of leasing space at such property during the 2018 Summer Fireworks Season (June 14, 2018 through July 10, 2018) based upon meeting the terms of a written offer to lease said property by any bonafide third party.

**GENERAL:**

This agreement shall be interpreted under the laws of the State of Tennessee, and is binding upon the undersigned parties and their heirs, successors and assigns. Notice is deemed given upon being mailed (by registered mail) to the addresses at the top of this lease.

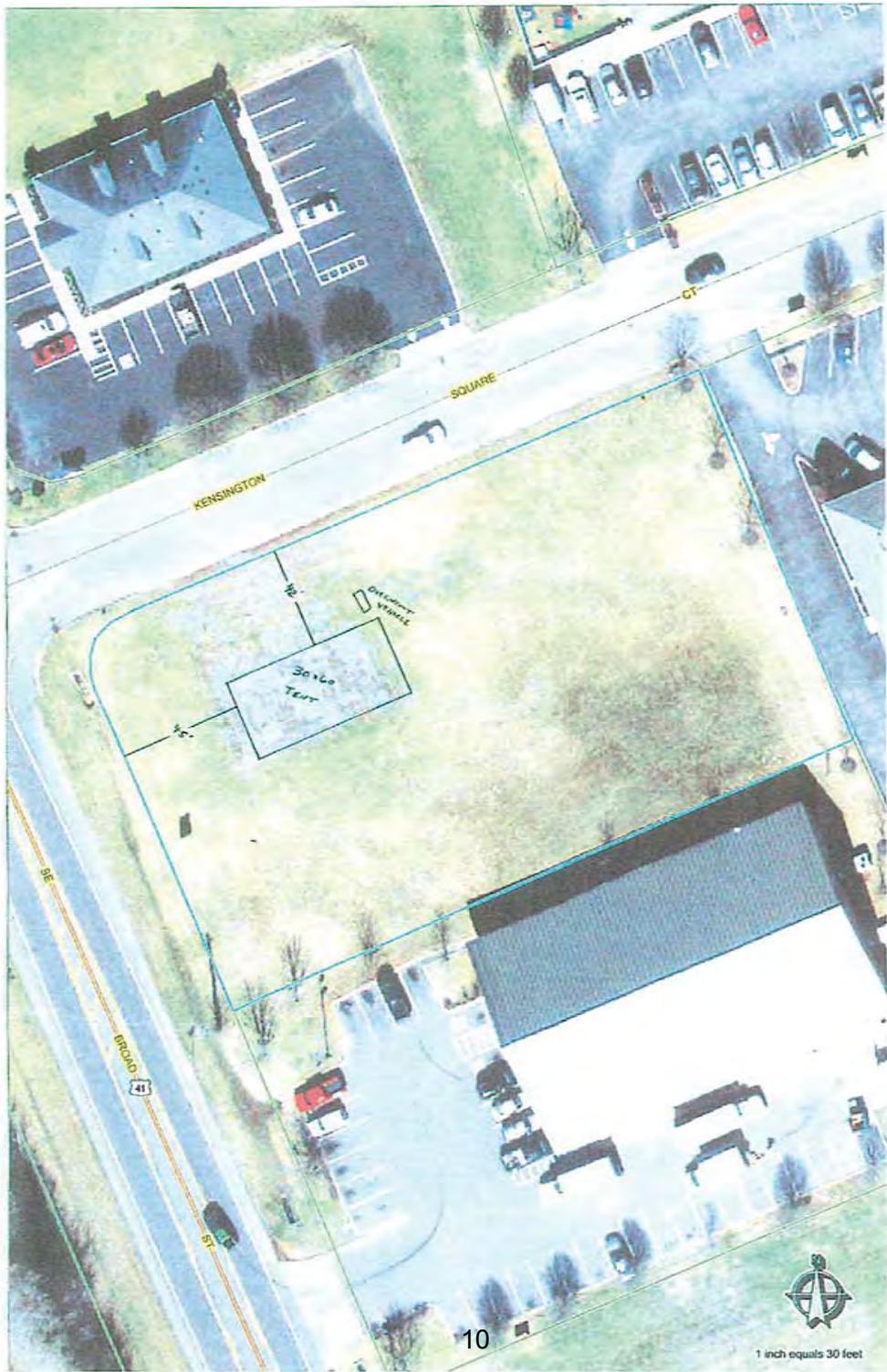
**LESSORS:**

By: Steve Myers Date \_\_\_\_\_  
Steve Myers, Partner / Co-Owner

**LESSEE:**

Mid America Distributors, Inc.

By: Jake Loyd Date 2/17/16  
Jake Loyd, VP



Photographs for Z-16-036  
Southeast Broad Street at Kensington Square Court



Aerial photograph of subject property.



Aerial photograph of subject property.



View of subject property from Southeast Broad Street looking to the southeast. The Dollar General retail store is visible in the background.



View of subject property from Kensington Square Court looking to the east. The Dollar General retail store is visible on the right-hand side of the photo.



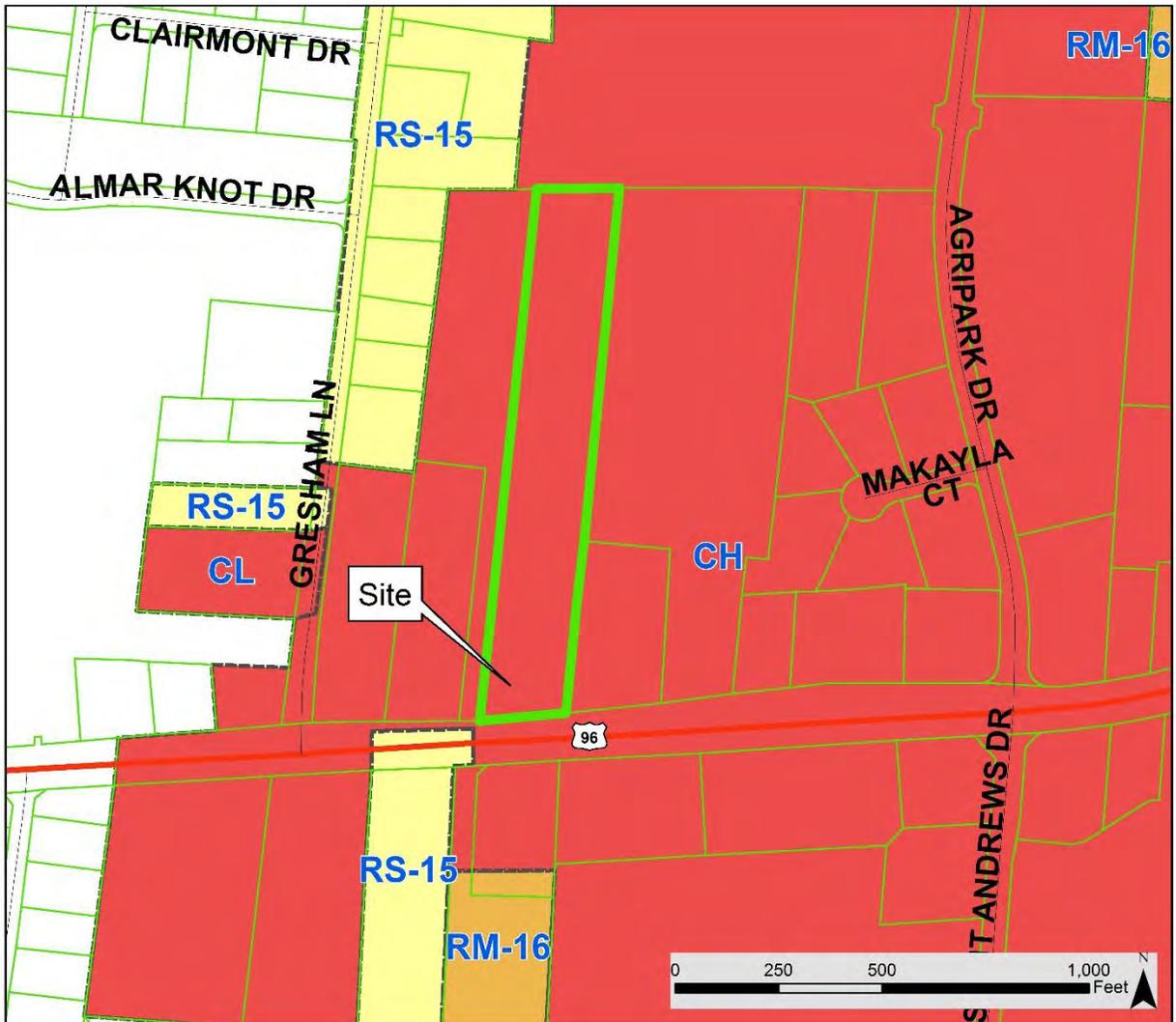
View of subject property taken from corner of Southeast Broad Street and Kensington Square Court looking to the southeast.



View of subject property with fireworks tent. Google StreetView, June 2013.

**MURFREESBORO BOARD OF ZONING APPEALS  
STAFF REPORT  
APRIL 27, 2016**

**Application:** Z-16-037  
**Location:** 2870 Old Fort Parkway  
**Applicant:** Jake Loyd of Mid-America Distributors  
**Zoning:** Highway Commercial (CH) District  
**Requests:** A Special Use Permit to operate a Temporary Outdoor Vending Establishment (Fireworks Seasonal Retailer)



## **Request Overview**

The applicant, Jake Loyd of Mid-America Distributors, wishes to operate a fireworks sales tent for the Fourth of July season in the Kelton's Hardware parking lot located at 2870 Old Fort Parkway. Chart 1 (Uses Permitted by Zoning District) of the Murfreesboro Zoning Ordinance lists Fireworks Seasonal Retailer as a use allowed by Special Use Permit in the CH district. The applicant seeks a Special Use Permit from the Board in order to operate the proposed fireworks sales tent.

The tent would be situated toward the southwestern corner of the existing lot. The applicant has provided a lease agreement granting the applicant permission to operate the fireworks tent. The Board has previously approved this site for fireworks sales.

## **Staff Comments**

City Code allows fireworks to be sold within the City from June 28 to July 5. Section 9(D)(2)(eeee) of the Murfreesboro Zoning Ordinance allows fireworks retailers to begin site work as early as June 21; the site must be cleared of all debris and structures by July 10. In the attached request letter, the applicant indicates that site preparation will begin on June 21, sales will begin on June 28, sales will end on July 5, and the site will be cleared by July 10. The tent's hours of operation will be from 8:00 AM until 10:00 PM on each day of operation except July 3 and July 4, when the tent will be open from 7:00 AM until Midnight.

Staff's analysis of the applicant's site layout indicates that the proposed tent will adhere to the minimum required setbacks for the CH district (42 feet on the front, 10 feet on the sides, and 20 feet on the rear). The tent would measure 50 feet by 60 feet. The tent would exceed the minimum separation requirement for on-site consumption of alcohol and would be more than 200 feet from the nearest fuel source. An operable fire hydrant is located within 500 feet of the proposed tent. The applicant intends to provide a portable restroom on the premises for customers. The applicant may have an employee remain on site overnight. A generator will be utilized to provide power for the tent.

Per the previous year's request and staff review, staff recommends that the applicant be required to place Type III barricades along the northern and eastern sides of the tent as shown on the site layout exhibit. Additionally, traffic cones may be placed on Old Fort Parkway if vehicles park on the shoulder.

The applicant attests that all standards of general applicability for a Special Use Permit will be met. Further, in the request letter, the applicant has addressed all of the specific standards for Temporary Outdoor Vending Establishments.

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

## **Conditions Recommended by Staff**

If the Board approves the application, staff recommends the following conditions:

- 1) The applicant shall provide certification that the tent is flame-resistant or treated to be flame-resistant.
- 2) The applicant shall keep and maintain a fire extinguisher on site at all times.
- 3) The applicant shall keep the City's fireworks ordinance posted on site at all times.
- 4) Fireworks shall not be set-off on site.
- 5) The applicant shall apply for and pass an electrical safety inspection prior to opening for business. An electrical permit shall be purchased from the Building and Codes Department in order to obtain this inspection.
- 6) The fireworks tent shall meet all minimum building setback requirements for the CH zoning district.
- 7) The applicant shall obtain a tent permit for the fireworks tent.
- 8) Type III barricades shall be placed on the site as shown on the site layout exhibit.
- 9) The applicant shall place traffic cones on Old Fort Parkway if customers use the shoulder for parking.

### **Attachments**

1. BZA Application
2. Applicant's Supporting Materials
3. Site Photos

City of Murfreesboro  
BOARD OF ZONING APPEALS

HEARING REQUEST  
APPLICATION

Location/Street Address: 2870 Old Fort Pkwy

Tax Map: 092      Group:      Parcel: 06400      Zoning District: CH

Applicant: Jake Loyd      E-Mail: jake@madfireworks.com

Address: PO Box 1628      Phone: 615-793-9393

City: LaVergne      State: TN      Zip: 37086

Property Owner: Jason Kelton

Address: 2870 Old Fort Pkwy      Phone: (615) 893-5125

City: Murfreesboro      State: TN      Zip: 37128

Request: To operate a seasonal fireworks outlet from June 28 to July 5.

Zoning District: Commercial Highway (CH)

Applicant Signature: *Jake Loyd*      Date: 4/10/2016

Received By: *B. Davis*      Receipt No.: *22736*

Application #:      *4-11-16*

Murfreesboro  
Board of  
Zoning Appeals



T E N N E S S E E

HEARING APPLICATION  
AND  
GENERAL INFORMATION

April 10, 2016

Mr. Robert Lewis  
City of Murfreesboro  
Planning and Engineering Department  
P.O. Box 1139  
Murfreesboro, TN 37133

Dear Mr. Lewis:

Mid America Distributors, Inc. respectfully requests permission to appear at the May meeting of the Murfreesboro Board of Zoning Appeals for the purpose of obtaining a permit to sell fireworks in the City of Murfreesboro at 2870 Old Fort Pkwy in the front left portion of the Kelton's Hardware & Pet parking lot.

Listed Below is an itemized list of how this location complies with the city's regulations.

**SECTION 8. PROCEDURE FOR USES REQUIRED SPECIAL PERMITS**

**(D) Procedure.**

(1)

- (a) Jake Loyd / 849 Lakemont Dr., Nashville, TN 37220 / 615-207-0452
- (b) Mid America Dist. plans to use this site to sell fireworks during the allotted time as designated by the City of Murfreesboro during the July 4 Season. We also have a lease agreement with the property owner. Proper documentation is attached.
- (c) Site plan enclosed
- (d) Front left portion of Kelton's Hardware & Pet parking lot at 2870 Old Fort Pkwy in Murfreesboro, TN
- (f) Commercial Highway (CH)
- (g) Manner in which special use will be conducted or operated:
  - [1] Days: June 28 – July 5 / Hours: 8am – 10pm (except July 3 &4, which will be 7am – 12pm)
  - [2] Duration: we will be selling for a total of eight (8) days for the July 4 season
  - [3] It is estimated that this location will have around 50 customers per day
  - [4] It is estimated that this location will have around 20 vehicles visit it per day
- (h) We do not foresee any harmful characteristics on this zoning district

**SECTION 9. STANDARDS FOR SPECIAL PERMIT USES**

**(C) Standards of general applicability.**

- (1) Putting a fireworks tent on this location will in no way have a substantial or undue adverse affect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities, and other matters affecting the public health, safety, and general welfare.

- (2) This fireworks tent will be constructed, arranged, and operated in a compatible manner with the immediate vicinity and will not interfere with any development or use of adjacent property in accordance with the applicable district regulations
  - (3) This location will adequately serve by essential public facilities and services such as highways, streets, parking spaces, drainage structures, refuse disposal, fire protection, water and sewers; if the location itself does not provide any of these the tent operator or Mid America Distributors will
  - (4) By selling fireworks at this location it will not result in the destruction, loss, or damage of any feature determined by the BZA to be of significant natural, scenic, or historic importance
  - (5) Selling fireworks at this location complies with all additional standards (see below)
- (Z) *Temporary vendors, as described in Section 25(D)(4) of this article, are subject to the following additional standards:*
- [1] Owner of the property or the owner's authorized agent's signature on application for the temporary vendor Special Use Permit is attached
  - [2] There is adequate parking on this site insuring that backing onto the street is not necessary. This tent is on the site of an existing permanent business. The tent and the parking combined do not exceed 25% of the total parking available on the site.
  - [3] Traffic control measures are not needed for this site, but we will make additional provisions if deemed necessary by the BZA.
  - [4] The tent at this site will be erected or placed in conformance with all applicable Codes. The tent will have an emergency exit in addition to its normal entrance/exit. The only vehicle(s) that will be left on this site overnight are the ones that whoever is sleeping in the tent is driving. The location of the tent operator's vehicle is shown on the attached site plan. Other than what is mentioned above, there will be no other facilities, vehicles, trailer, etc left on site overnight.
  - [5] This site is within five hundred feet from an operable fire hydrant.
  - [6] Deposit of \$500 given / policy understood
  - [7] Restroom provisions: a portable toilet will be provided for this location
  - [8] Special Use Permit granted by BZA will be posted at this tent for inspections
  - [9] Setting up a fireworks tent at this site are not in violation with any sign, building, fire, electrical, or any other City ordinances. If such violation were to occur and we receive a notice, we understand the 24 hours deadline policy to fix the problem.
  - [10] We will use a generator at this location
  - [11] This tent will be erected outside of all easements for electrical power transmission and distribution.
  - [12] Adequate provisions for solid waste management have been made. In most cases, our tent operators take their solid waste to a city facility designated for this purpose, to our warehouse, or another site where they have obtained permission to do so. In any event, there will not be a dumpster used on this site.
  - [13] I am well aware of the sign ordinance and what signage is legal. We will make certain that all of our signage complies with the sign ordinance.

- [14] There will not be any noises, etc that will disturb the piece coming from this location.
- [15] We only plan to use and apply for use of this location for the following period: June 28 – July 5, which does not exceed 70 days.
- [16] We will comply with any additional standards that the BZA may require in order to assure compatibility of this location with adjoining properties.
- [17] The site for this tent is located on asphalt, not gravel
- [18] Additional standards of a Special Use Permit for temporary vending of fireworks:
  - [aa] There is not a fuel source within two hundred feet of this proposed tent location or any fireworks inventory.
  - [bb] There are no facilities for onsite consumption of alcohol within a straight-line measurement of two hundred fifty feet of this proposed tent location or any fireworks merchandise (by just barely).
  - [cc] We are applying for this application to sell fireworks from June 28 through July 5. We understand that all activities and materials associated with the temporary sell of fireworks during these periods must not begin before June 21 and must end and be cleared by July 10.
  - [dd] We understand that as a Fireworks seasonal retailer we must comply with all state and City laws and all ordinances regarding the sale of fireworks, including but not limited to T.C.A. §68-104-101 and City Code §12.
  - [ee] We are only asking for approval for one period within the next year, we understand that we must apply again for any periods exceeding a year to date.

**SECTION 12-30 PROHIBITED SALES, USE AND POSSESSION OF FIREWORKS.**

- [A] We understand the definition of a *Bottle Rocket, D.O.T. Class C common firework, Mortar, and Reloadable.*
- [B] We understand that a person must be at least sixteen (16) years of age to purchase any D.O.T. Class C common fireworks. We also understand that any person sixteen (16) or seventeen (17) must show a state issued photo identification as proof of age to the seller or be accompanied by an adult.
- [C] We understand that, other than for a public display, it shall be unlawful for any person with the City of Murfreesboro to sell, use or possess any mortar firework with a single tube that is preloaded or having a diameter of 1.5” or more.
- [D] We understand that, other than for a public display, it shall be unlawful for any person with the City of Murfreesboro to sell, use, or possess any reloadable firework.
- [E] We understand that, other than for a public display, it shall be unlawful for any person with the City of Murfreesboro to sell, use, or possess any bottle rocket.

LEASE AGREEMENT

February 17, 2016

**PARTIES:**

LESSOR: Jason Kelton, Owner  
2870 Old Fort Pkwy  
Murfreesboro, TN 37128

LESSEE: Jake Loyd, Vice President  
Mid America Distributors, Inc.  
P.O. Box 1628  
LaVergne, TN 37086

**DESCRIPTION AND USE OF PROPERTY:**

The property leased is the portion of Kelton's Hardware & Pet parking lot as seen in Exhibit A located at 2870 Old Fort Pkwy in Murfreesboro, Tennessee. LESSOR agrees to exclusively rent to LESSEE space for a tent to sell consumer fireworks. The parties further agree that fireworks shall not be sold on any property owned or controlled by LESSOR and situated within 750 feet of the above described premises during the term of this lease.

**CONTINGENCIES:**

This lease is subject to approval of all Murfreesboro, and State of Tennessee authorities. If the fireworks outlet cannot be operated due to "Acts of God" or if LESSEE is unable to obtain all permits required to legally operate the fireworks outlet, this agreement will become void. If any of the above contingencies occur, all prepaid rent payments shall promptly be returned to LESSEE.

If the above described property is sold, this agreement becomes void upon LESSOR giving LESSEE a 30 day written notice in advance of the rental period. If the sale of fireworks is prohibited by law, this agreement will become void.

**TERM AND RENTAL AMOUNT:**

LESSEE shall be permitted to use the premises for a periodic lease during the following "Fireworks Sales Periods" and for the respective rental amount set forth opposite each rental period.

<u>Rental Period</u>	<u>Rent</u>
June 20, 2016 to July 10, 2016	

All rents are payable in advance. Upon acceptance of this agreement, a partial rent payment for the 2016 rent in the amount of \_\_\_\_\_ shall be paid to LESSOR. The remaining rent balance of \_\_\_\_\_ shall be paid to LESSOR prior to 2016 rental period.

**CLEAN-UP AND FREE FIREWORKS:**

LESSEE agrees to remove all structural items, debris, and to leave the lot clean at the termination of this lease. LESSEE shall provide LESSOR with a coupon for free fireworks prior to each July 4th.

**INSURANCE:**

LESSEE supplies LESSOR (in advance of the rental period) with a binder naming LESSOR as additionally insured for \$2,000,000 each occurrence whether in respect to bodily injury liability or property damage liability combined.

**FIRST RIGHT OF REFUSAL IN 2017:**

Subsequent to the term of this lease, LESSOR grants to LESSEE the first right of refusal for the privilege of leasing the above described property for the purpose of selling fireworks during the 2017 Summer Fireworks Season (June 20, 2017 through July 10, 2017) based upon meeting the terms of a written offer to lease said property by any bonafide third party that is expert to the fireworks business, but in no event shall the rent increase by more than 25%.

**GENERAL:**

This agreement shall be interpreted under the laws of the State of Tennessee, and is binding upon the undersigned parties and their heirs, successor, and assigns. If any part of this instrument is unenforceable, the remainder hereof shall be in full force and effect. Notice is deemed given upon LESSEE presenting this contract to LESSOR.

LESSOR:

Kelton's Hardware & Pet

By:  Date 2/17/16  
Jason Kelton, Owner

LESSEE:

Mid America Distributors, Inc.

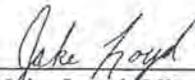
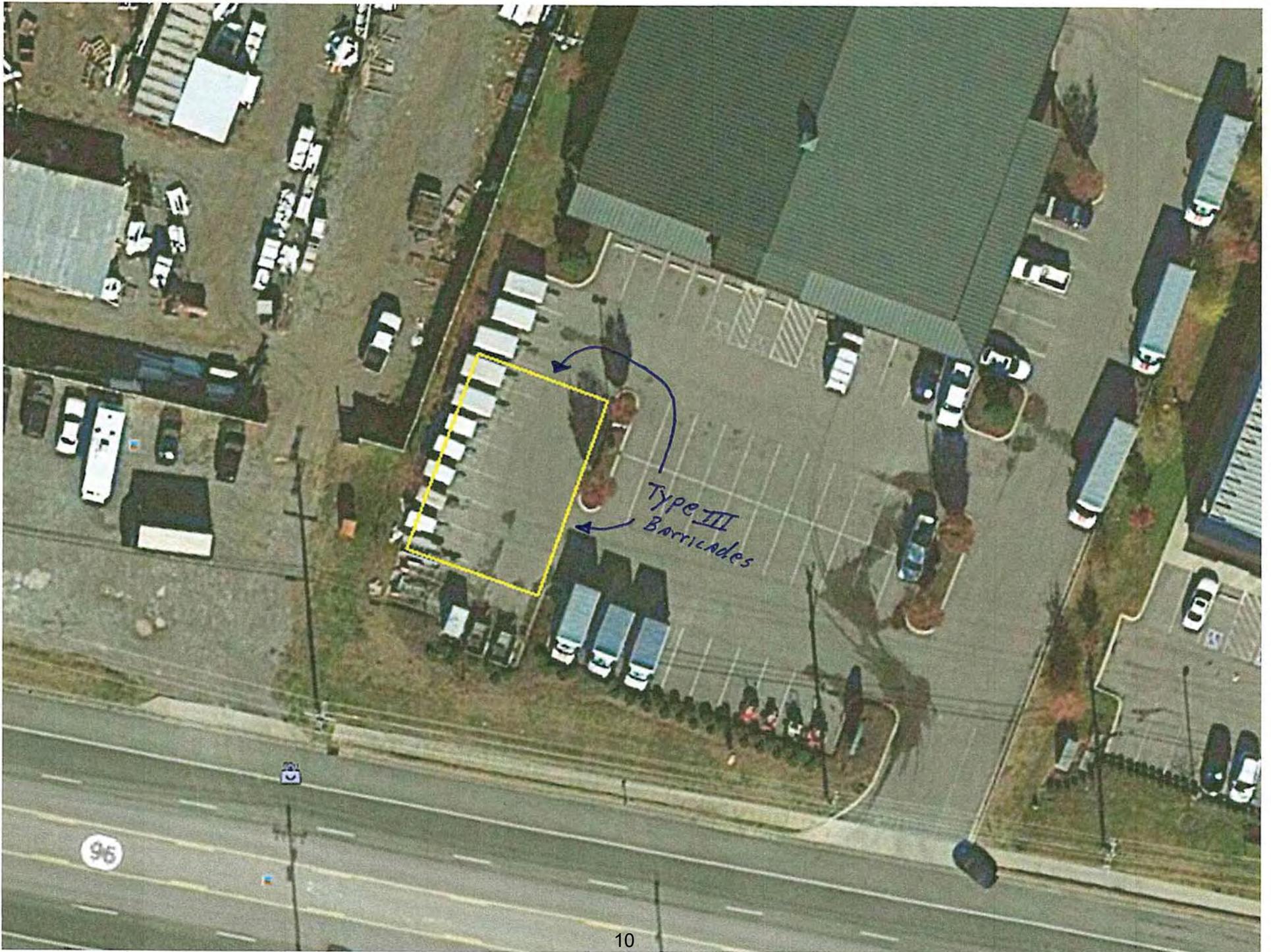
By:  Date 2/17/16  
Jake Loyd, Vice President

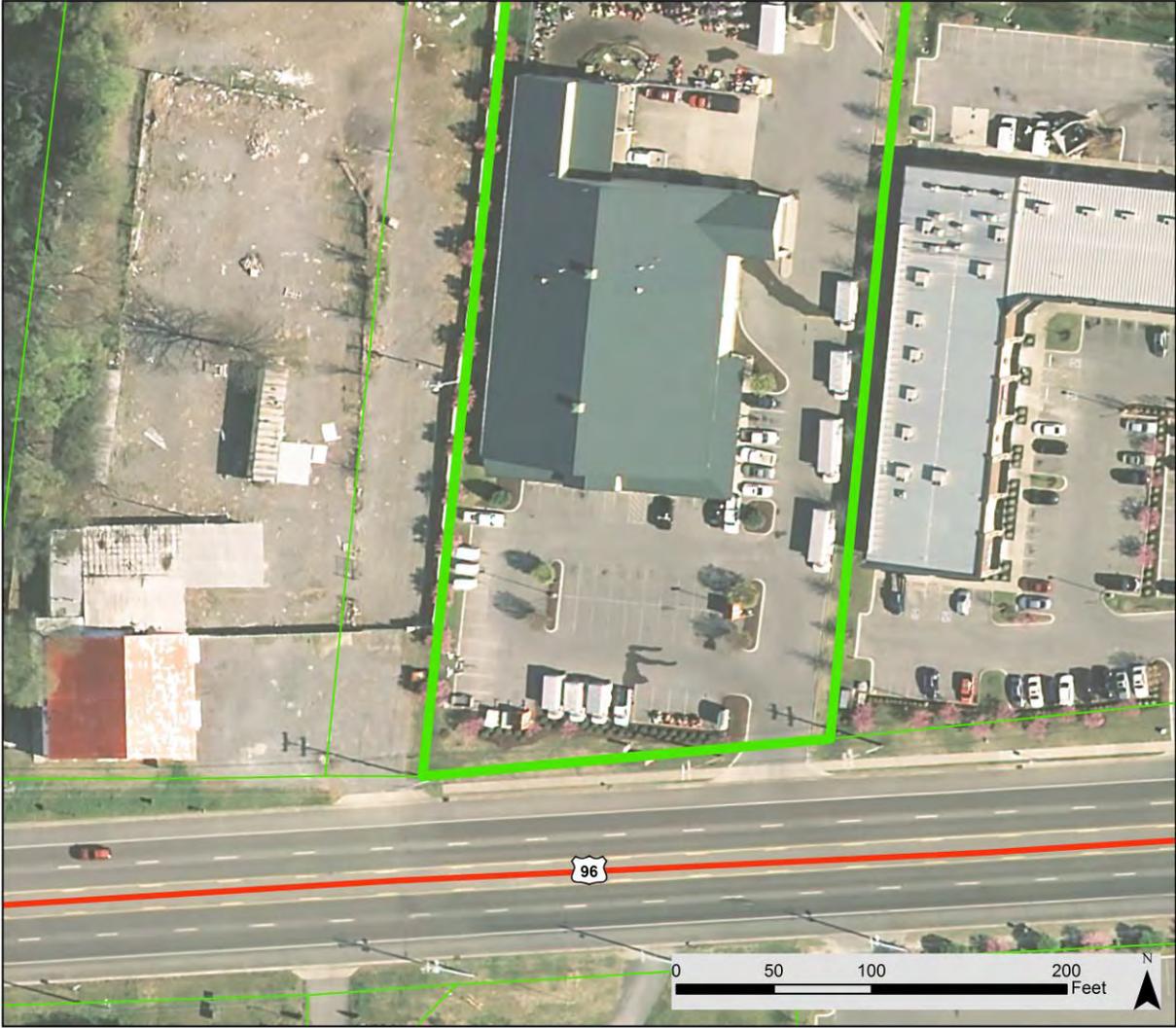
Exhibit A



Photographs for Z-16-037  
2870 Old Fort Parkway



Aerial photograph of subject property.



Aerial photograph of subject property.



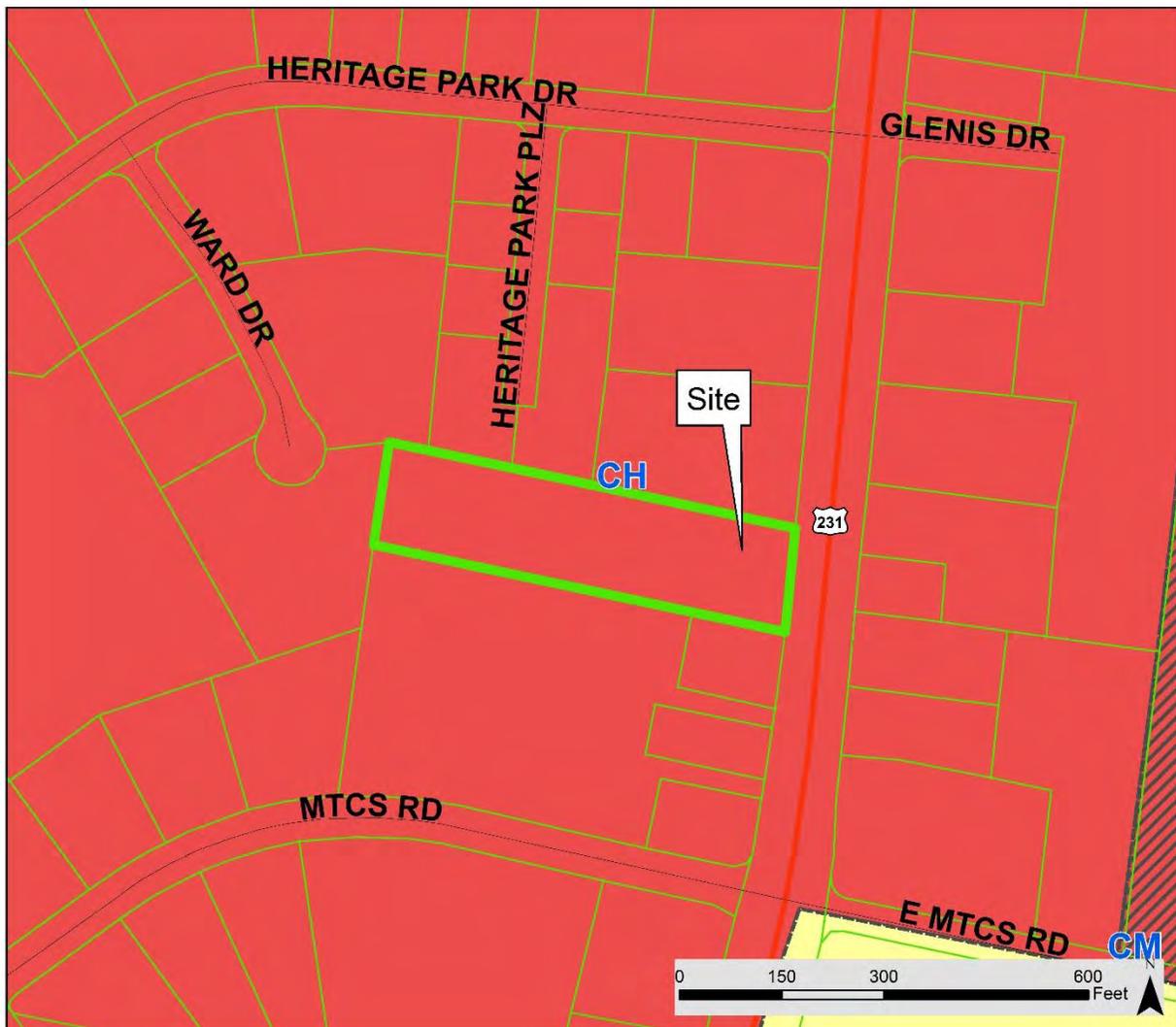
View of subject property with fireworks tent. Google StreetView, June 2015.



View of subject property with fireworks tent. Google StreetView, June 2015.

**MURFREESBORO BOARD OF ZONING APPEALS  
STAFF REPORT  
APRIL 27, 2016**

**Application:** Z-16-038  
**Location:** 1815-1849 Memorial Boulevard  
**Applicant:** Jake Loyd of Mid-America Distributors  
**Zoning:** Highway Commercial (CH) District  
**Requests:** A Special Use Permit to operate a Temporary Outdoor Vending Establishment (Fireworks Seasonal Retailer)



## **Request Overview**

The applicant, Jake Loyd of Mid-America Distributors, wishes to operate a fireworks sales tent for the Fourth of July season in the North Side Place shopping center parking lot located at 1815-1849 Memorial Boulevard. Chart 1 (Uses Permitted by Zoning District) of the Murfreesboro Zoning Ordinance lists Fireworks Seasonal Retailer as a use allowed by Special Use Permit in the CH district. The applicant seeks a Special Use Permit from the Board in order to operate the proposed fireworks sales tent.

The tent would be situated along the western side of the existing lot, adjacent to the eastern end of the shopping center structure. The applicant has provided a lease agreement granting the applicant permission to operate the fireworks tent. The Board has previously approved this site for fireworks sales.

## **Staff Comments**

City Code allows fireworks to be sold within the City from June 28 to July 5. Section 9(D)(2)(eeee) of the Murfreesboro Zoning Ordinance allows fireworks retailers to begin site work as early as June 21; the site must be cleared of all debris and structures by July 10. In the attached request letter, the applicant indicates that site preparation will begin on June 21, sales will begin on June 28, sales will end on July 5, and the site will be cleared by July 10. The tent's hours of operation will be from 8:00 AM until 10:00 PM on each day of operation except July 3 and July 4, when the tent will be open from 7:00 AM until Midnight.

Staff's analysis of the applicant's site layout indicates that the proposed tent will adhere to the minimum required setbacks for the CH district (42 feet on the front, 10 feet on the sides, and 20 feet on the rear). The tent would measure 50 feet by 30 feet. The tent would exceed the minimum separation requirement for on-site consumption of alcohol and would be more than 200 feet from the nearest fuel source. An operable fire hydrant is located within 500 feet of the proposed tent. The applicant intends to provide a portable restroom on the premises for customers. The applicant may have an employee remain on site overnight. A generator will be utilized to provide power for the tent.

Per the previous year's request and staff review, staff recommends that the applicant be required to place a Type III barricade along the eastern side of the tent to prevent conflicts for vehicles entering the site from Memorial Boulevard. Additionally, the applicant should be required to situate the tent in such a way that accommodates two-way vehicular circulation between the eastern side of the tent and Memorial Boulevard. Circulation along the northern side of the tent should be of a width equal to or greater than that provided behind the existing principal structure.

The applicant attests that all standards of general applicability for a Special Use Permit will be met. Further, in the request letter, the applicant has addressed all of the specific standards for Temporary Outdoor Vending Establishments.

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

### **Conditions Recommended by Staff**

If the Board approves the application, staff recommends the following conditions:

- 1) The applicant shall provide certification that the tent is flame-resistant or treated to be flame-resistant.
- 2) The applicant shall keep and maintain a fire extinguisher on site at all times.
- 3) The applicant shall keep the City's fireworks ordinance posted on site at all times.
- 4) Fireworks shall not be set-off on site.
- 5) The applicant shall apply for and pass an electrical safety inspection prior to opening for business. An electrical permit shall be purchased from the Building and Codes Department in order to obtain this inspection.
- 6) The fireworks tent shall meet all minimum building setback requirements for the CH zoning district.
- 7) The applicant shall obtain a tent permit for the fireworks tent.
- 8) Type III barricades shall be placed along the eastern side of the tent, which faces Memorial Boulevard.
- 9) The applicant shall provide two-way traffic circulation between the tent and Memorial Boulevard.
- 10) The applicant shall arrange the tent such that the drive aisle on the northern side of the tent is equal to or greater than that provided behind the existing building.

### **Attachments**

1. BZA Application
2. Applicant's Supporting Materials
3. Site Photos

<i>City of Murfreesboro</i> <b>BOARD OF ZONING APPEALS</b>	<b>HEARING REQUEST APPLICATION</b>
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Location/Street Address: 1815 - 1849 Memorial Blvd			
Tax Map: 080L	Group: A	Parcel: 00101	Zoning District: CH

Applicant: Jake Loyd		E-Mail: jake@madfireworks.com	
Address: PO Box 1628		Phone: 615-793-9393	
City: LaVergne	State: TN	Zip: 37086	

Property Owner: Rick Sain			
Address: 1837 Memorial Blvd		Phone: (615) 278-3123	
City: Murfreesboro	State: TN	Zip: 37129	

Request: To operate a seasonal fireworks outlet from June 28 to July 5.	
Zoning District: Commercial Highway (CH)	
Applicant Signature: <i>Jake Loyd</i>	Date: 4/10/2016

Received By: <i>B. DAVIS</i>	Receipt No.: <i>22736</i>
Application #:	<i>4-11-16</i>

## Murfreesboro Board of Zoning Appeals



## HEARING APPLICATION AND GENERAL INFORMATION

April 10, 2016

Mr. Robert Lewis  
City of Murfreesboro  
Planning and Engineering Department  
P.O. Box 1139  
Murfreesboro, TN 37133

Dear Mr. Lewis:

Mid America Distributors, Inc. respectfully requests permission to appear at the May meeting of the Murfreesboro Board of Zoning Appeals for the purpose of obtaining a permit to sell fireworks in the City of Murfreesboro at 1815 – 1849 Memorial Blvd in the front parking lot.

Listed Below is an itemized list of how this location complies with the city's regulations.

### **SECTION 8. PROCEDURE FOR USES REQUIRED SPECIAL PERMITS**

#### **(D) Procedure.**

(1)

- (a) Jake Loyd / 849 Lakemont Dr., Nashville, TN 37220 / 615-207-0452
- (b) Mid America Dist. plans to use this site to sell fireworks during the allotted time as designated by the City of Murfreesboro during the July 4 Season. We also have a lease agreement with the property owner. Proper documentation is attached.
- (c) Site plan enclosed
- (d) Front parking lot of 1815 – 1849 Memorial Blvd in Murfreesboro, TN
- (f) Commercial Highway (CH)
- (g) Manner in which special use will be conducted or operated:
  - [1] Days: June 28 – July 5 / Hours: 8am – 10pm (except July 3 &4, which will be 7am – 12pm)
  - [2] Duration: we will be selling for a total of eight (8) days for the July 4 season
  - [3] It is estimated that this location will have around 50 customers per day
  - [4] It is estimated that this location will have around 20 vehicles visit it per day
- (h) We do not foresee any harmful characteristics on this zoning district

### **SECTION 9. STANDARDS FOR SPECIAL PERMIT USES**

#### **(C) Standards of general applicability.**

- (1) Putting a fireworks tent on this location will in no way have a substantial or undue adverse affect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities, and other matters affecting the public health, safety, and general welfare.

- [14] There will not be any noises, etc that will disturb the piece coming from this location.
- [15] We only plan to use and apply for use of this location for the following period: June 28 – July 5, which does not exceed 70 days.
- [16] We will comply with any additional standards that the BZA may require in order to assure compatibility of this location with adjoining properties.
- [17] The site for this tent is located on asphalt, not gravel
- [18] Additional standards of a Special Use Permit for temporary vending of fireworks:
- [aa] There is not a fuel source within two hundred feet of this proposed tent location or any fireworks inventory.
  - [bb] There are no facilities for onsite consumption of alcohol within a straight-line measurement of two hundred fifty feet of this proposed tent location or any fireworks merchandise (by just barely).
  - [cc] We are applying for this application to sell fireworks from June 28 through July 5. We understand that all activities and materials associated with the temporary sell of fireworks during these periods must not begin before June 21 and must end and be cleared by July 10.
  - [dd] We understand that as a Fireworks seasonal retailer we must comply with all state and City laws and all ordinances regarding the sale of fireworks, including but not limited to T.C.A. §68-104-101 and City Code §12.
  - [ee] We are only asking for approval for one period within the next year, we understand that we must apply again for any periods exceeding a year to date.

**SECTION 12-30 PROHIBITED SALES, USE AND POSSESSION OF FIREWORKS.**

- [A] We understand the definition of a *Bottle Rocket, D.O.T. Class C common firework, Mortar, and Reloadable.*
- [B] We understand that a person must be at least sixteen (16) years of age to purchase any D.O.T. Class C common fireworks. We also understand that any person sixteen (16) or seventeen (17) must show a state issued photo identification as proof of age to the seller or be accompanied by an adult.
- [C] We understand that, other than for a public display, it shall be unlawful for any person with the City of Murfreesboro to sell, use or possess any mortar firework with a single tube that is preloaded or having a diameter of 1.5" or more.
- [D] We understand that, other than for a public display, it shall be unlawful for any person with the City of Murfreesboro to sell, use, or possess any reloadable firework.
- [E] We understand that, other than for a public display, it shall be unlawful for any person with the City of Murfreesboro to sell, use, or possess any bottle rocket.

LEASE AGREEMENT

March 14, 2016

PARTIES:

*NORTH SIDE PLACE CONDOS*  
*PRESIDENT*  
LESSOR: Rick Sain, ~~Owner~~  
1821 ~~1801~~ Memorial Blvd  
Murfreesboro, TN 37129

LESSEE: Jake Loyd, Vice President  
Mid America Distributors, Inc.  
P.O. Box 1628  
LaVergne, TN 37086

DESCRIPTION AND USE OF PROPERTY:

The property leased is the portion of the parking lot as seen in Exhibit A located at 1815 – 1849 Memorial Blvd in Murfreesboro, Tennessee. LESSOR agrees to exclusively rent to LESSEE space for a tent to sell consumer fireworks. The parties further agree that fireworks shall not be sold on any property owned or controlled by LESSOR and situated within 750 feet of the above described premises during the term of this lease.

CONTINGENCIES:

This lease is subject to approval of all Murfreesboro, and State of Tennessee authorities. If the fireworks outlet cannot be operated due to "Acts of God" or if LESSEE is unable to obtain all permits required to legally operate the fireworks outlet, this agreement will become void. If any of the above contingencies occur, all prepaid rent payments shall promptly be returned to LESSEE.

If the above described property is sold, this agreement becomes void upon LESSOR giving LESSEE a 30 day written notice in advance of the rental period. If the sale of fireworks is prohibited by law, this agreement will become void.

TERM AND RENTAL AMOUNT:

LESSEE shall be permitted to use the premises for a periodic lease during the following "Fireworks Sales Periods" and for the respective rental amount set forth opposite each rental period.

<u>Rental Period</u>	<u>Rent</u>
June 20, 2016 to July 10, 2016	

All rents are payable in advance. Upon acceptance of this agreement, a partial rent payment for the 2016 rent in the amount of \_\_\_\_\_ shall be paid to LESSOR. The remaining rent balance of \_\_\_\_\_ shall be paid to LESSOR prior to 2016 rental period.

CLEAN-UP AND FREE FIREWORKS:

LESSEE agrees to remove all structural items, debris, and to leave the lot clean at the termination of this lease. LESSEE shall provide LESSOR with a coupon for free fireworks prior to each July 4th.

INSURANCE:

LESSEE supplies LESSOR (in advance of the rental period) with a binder naming LESSOR as additionally insured for \$2,000,000 each occurrence whether in respect to bodily injury liability or property damage liability combined.

FIRST RIGHT OF REFUSAL IN 2017:

Subsequent to the term of this lease, LESSOR grants to LESSEE the first right of refusal for the privilege of leasing the above described property for the purpose of selling fireworks during the 2017 Summer Fireworks Season (June 20, 2017 through July 10, 2017) based upon meeting the terms of a written offer to lease said property by any bonafide third party that is expert to the fireworks business, but in no event shall the rent increase by more than 25%.

GENERAL:

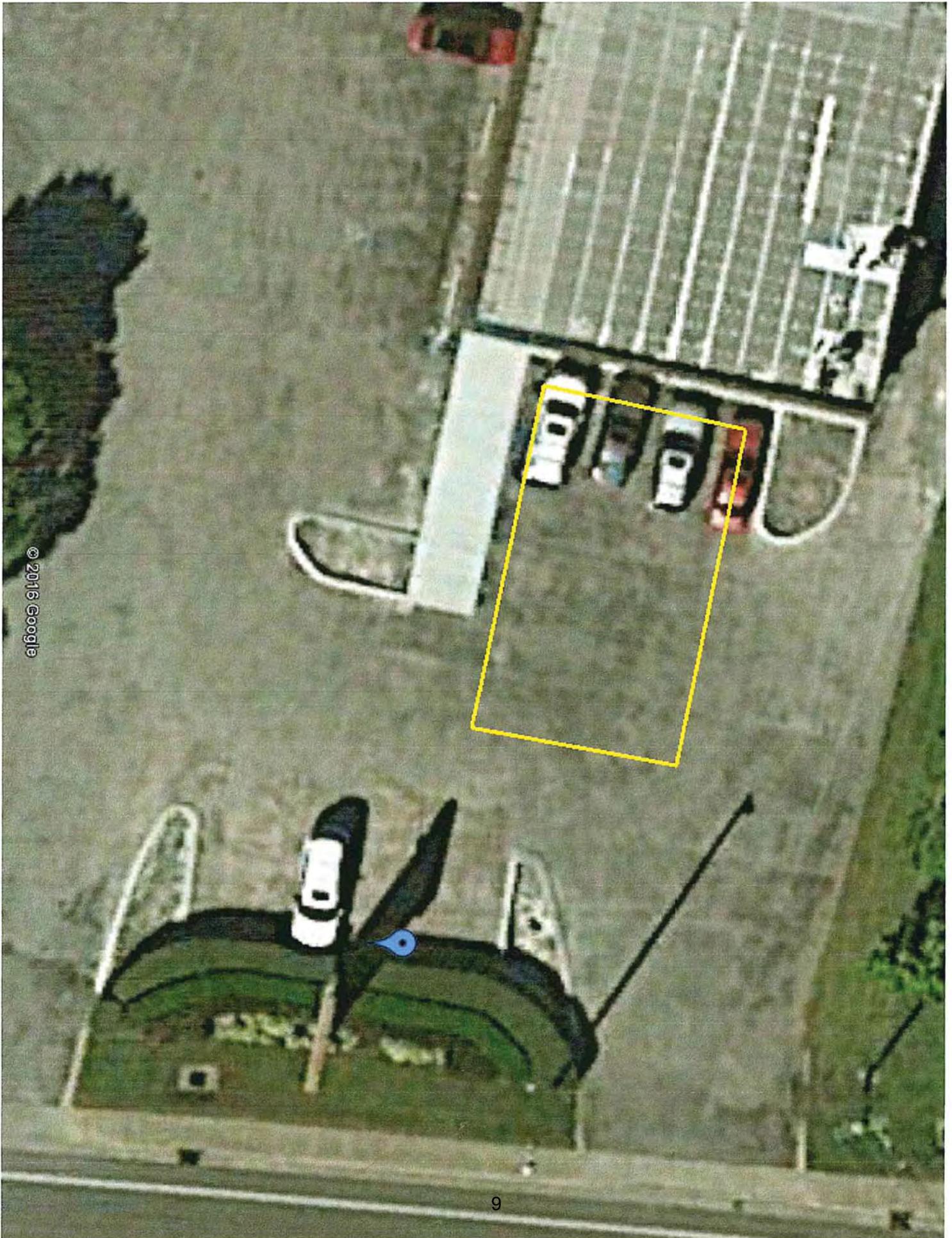
This agreement shall be interpreted under the laws of the State of Tennessee, and is binding upon the undersigned parties and their heirs, successor, and assigns. If any part of this instrument is unenforceable, the remainder hereof shall be in full force and effect. Notice is deemed given upon LESSEE presenting this contract to LESSOR.

LESSOR: NORTH SIDE BLAKE  
Reeves-Sain Properties CONDOR

LESSEE:  
Mid America Distributors, Inc.

By: [Signature] Date 4/11/16  
Rick Sain, ~~Owner~~ PRESIDENT

By: [Signature] Date 3/14/16  
Jake Loyd, Vice President



© 2016 Google

1830

19C

3

1851 19D

1829

63+SI001-018

63+SI001-018

1825 1823

1819

63+SI001-018

63+SI001-018

1817

1815

50'

63+SI001-018

231

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001-004

+SI

001-004

+SI

001-004

1813

52D

1811

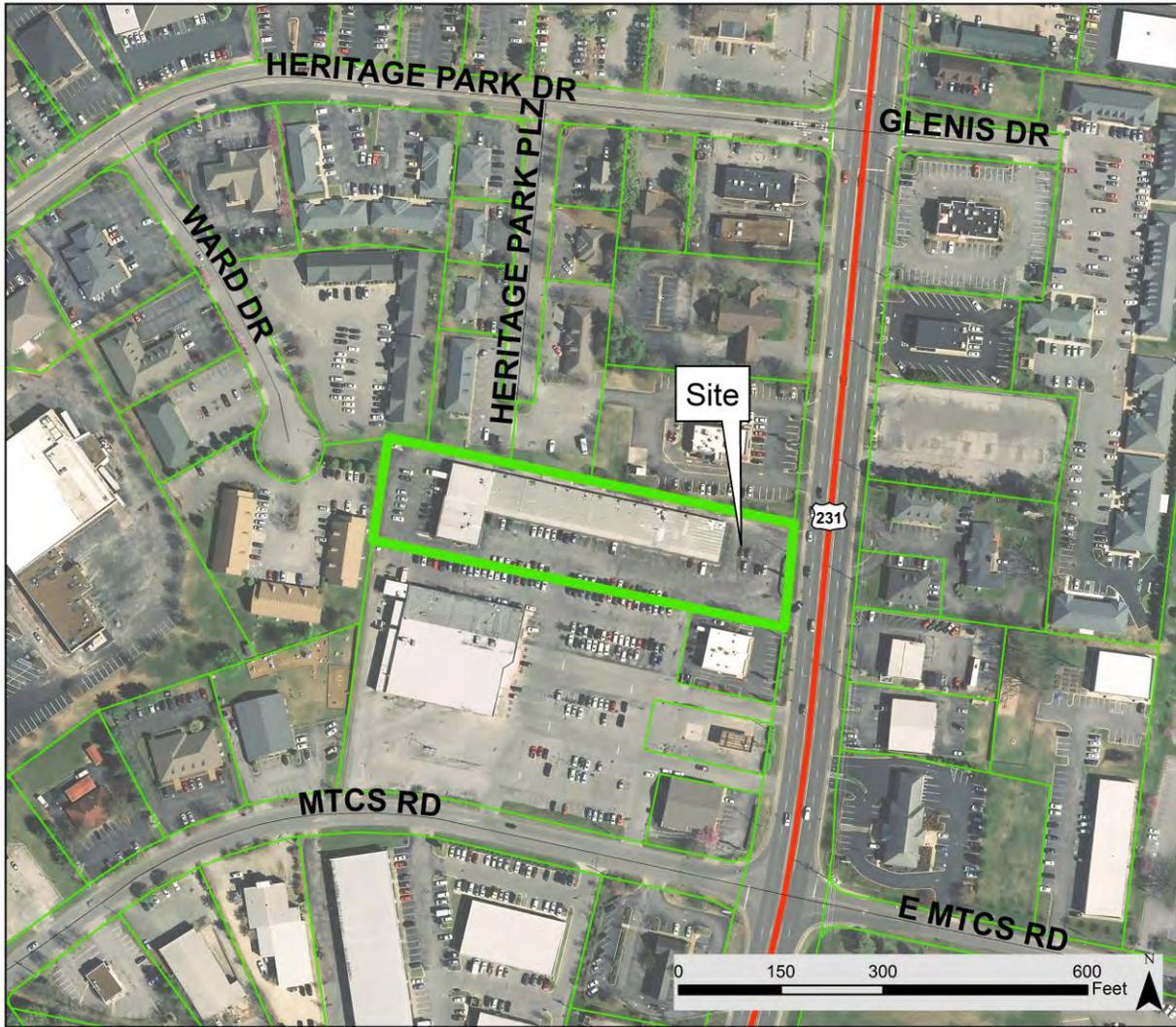
52-C

10

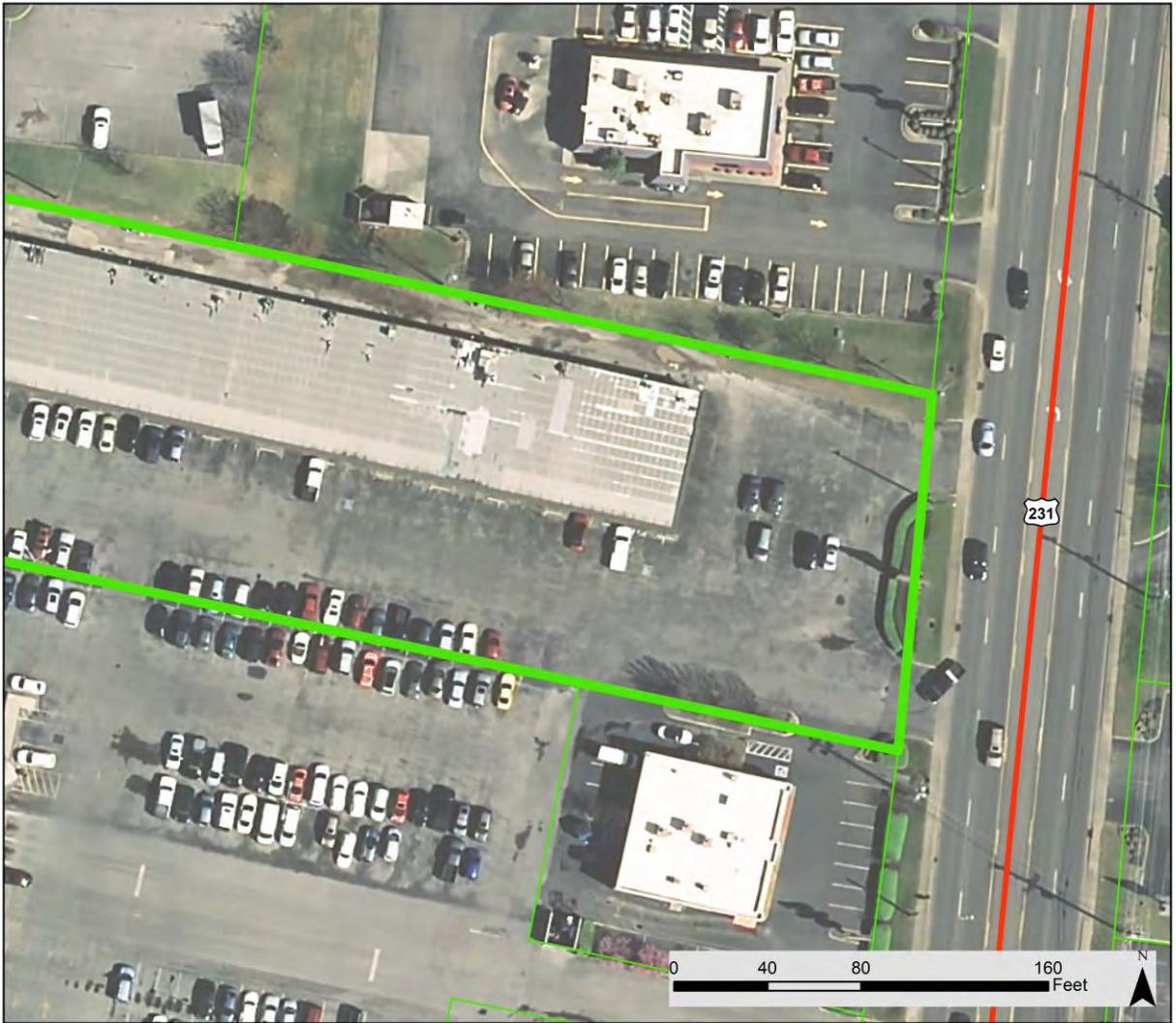
3

2

Photographs for Z-16-038  
1815-1849 Memorial Boulevard



Aerial photograph of subject property.



Aerial photograph of subject property.



View of subject property taken from Memorial Boulevard looking to the west. The proposed fireworks tent would be situated between the hedges and the brick building visible in the background.



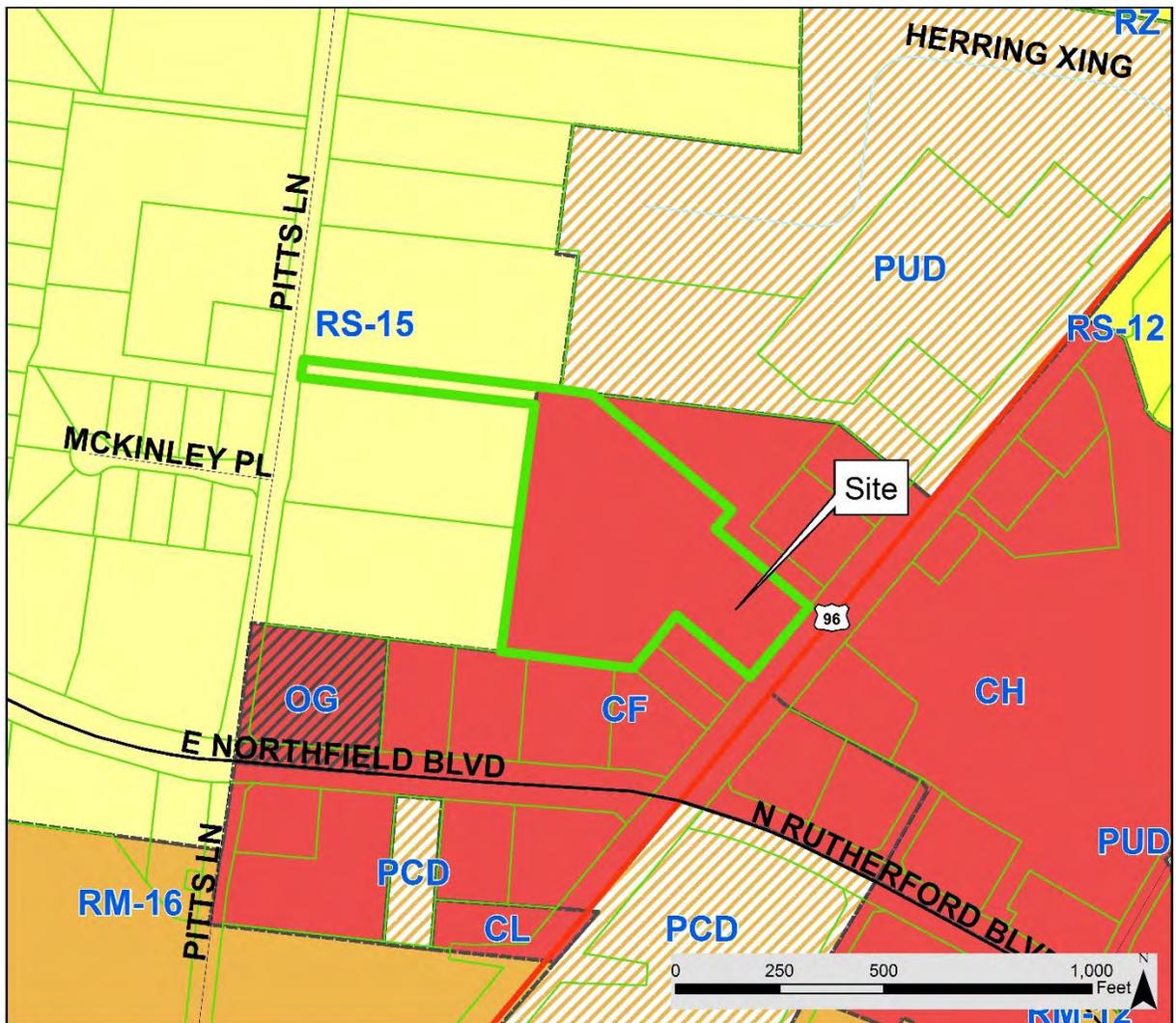
View of parking area and drive aisle where proposed fireworks tent would be situated.



View of area where proposed fireworks tent would be located (left) and rear service driveway that must remain unimpeded.

**MURFREESBORO BOARD OF ZONING APPEALS  
STAFF REPORT  
APRIL 27, 2016**

**Application:** Z-16-039  
**Location:** 2061 Lascassas Pike  
**Applicant:** Jake Loyd of Mid-America Distributors  
**Zoning:** Commercial Fringe (CF) District  
**Requests:** A Special Use Permit to operate a Temporary Outdoor Vending Establishment (Fireworks Seasonal Retailer)



## **Request Overview**

The applicant, Jake Loyd of Mid-America Distributors, wishes to operate a fireworks sales tent for the Fourth of July season in the Northfield Station shopping center parking lot located at 2061 Lascassas Pike. This shopping center previously housed a Food Lion grocery store. Chart 1 Section 25(D)(5) of the Murfreesboro Zoning Ordinance lists Fireworks Seasonal Retailer as a use allowed by Special Use Permit in the CF district. The applicant seeks a Special Use Permit from the Board in order to operate the proposed fireworks sales tent.

The tent would be situated along the eastern side of the existing lot near the lot's Lascassas Pike frontage. The applicant has provided a lease agreement granting the applicant permission to operate the fireworks tent. The Board has previously approved this site for fireworks sales.

## **Staff Comments**

City Code allows fireworks to be sold within the City from June 28 to July 5. Section 9(D)(2)(eeee) of the Murfreesboro Zoning Ordinance allows fireworks retailers to begin site work as early as June 21; the site must be cleared of all debris and structures by July 10. In the attached request letter, the applicant indicates that site preparation will begin on June 21, sales will begin on June 28, sales will end on July 5, and the site will be cleared by July 10. The tent's hours of operation will be from 8:00 AM until 10:00 PM on each day of operation except July 3 and July 4, when the tent will be open from 7:00 AM until Midnight.

Staff's analysis of the applicant's site layout indicates that the proposed tent will adhere to the minimum required setbacks for the CF district (42 feet on the front, 10 feet on the sides, and 20 feet on the rear). The tent would measure 30 feet by 60 feet. The tent would be located more than 200 feet from the nearest fuel source. An operable fire hydrant is located within 500 feet of the proposed tent. The applicant intends to provide a portable restroom on the premises for customers. The applicant may have an employee remain on site overnight. A generator will be utilized to provide power for the tent.

Section 9(D)(2)(eeee)(18)(bb) of the Zoning Ordinance prohibits fireworks sales tents from being located closer than 250 to any establishment selling alcohol for on-site consumption. A restaurant selling alcohol for on-site consumption is located in the Northfield Station shopping center, approximately 250 feet from the proposed tent location. The applicant is advised that the tent must be placed on the site as shown on the site layout in order to comply with the Zoning Ordinance distance requirement.

The applicant attests that all standards of general applicability for a Special Use Permit will be met. Further, in the request letter, the applicant has addressed all of the specific standards for Temporary Outdoor Vending Establishments.

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

### **Conditions Recommended by Staff**

If the Board approves the application, staff recommends the following conditions:

- 1) The applicant shall provide certification that the tent is flame-resistant or treated to be flame-resistant.
- 2) The applicant shall keep and maintain a fire extinguisher on site at all times.
- 3) The applicant shall keep the City's fireworks ordinance posted on site at all times.
- 4) Fireworks shall not be set-off on site.
- 5) The applicant shall apply for and pass an electrical safety inspection prior to opening for business. An electrical permit shall be purchased from the Building and Codes Department in order to obtain this inspection.
- 6) The fireworks tent shall meet all minimum building setback requirements for the CF zoning district.
- 7) The applicant shall obtain a tent permit for the fireworks tent.

### **Attachments**

1. BZA Application
2. Applicant's Supporting Materials
3. Site Photos

City of Murfreesboro <b>BOARD OF ZONING APPEALS</b>	<b>HEARING REQUEST APPLICATION</b>
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Location/Street Address: <sup>2061</sup> 2033-2063 New Lascassas Pike			
Tax Map: 081J	Group:	Parcel: C 01100	Zoning District: CF

Applicant: Jake Loyd		E-Mail: jake@madfireworks.com	
Address: PO Box 1628		Phone: 615-793-9393	
City: LaVergne	State: TN	Zip: 37086	

Property Owner: L.P.R.S. Corp., Kevin Schonsheck (Auth. Agent)			
Address: 50555 Pontiac Trail		Phone: (248) 669-8800	
City: Wixom	State: MI	Zip: 48393	

Request: To operate a seasonal fireworks outlet from June 28 to July 5.	
Zoning District: Commercial Fringe (CF)	
Applicant Signature: <i>Jake Loyd</i>	Date: 4/10/2016

Received By: <i>B. DAVIS</i>	Receipt No.: <i>22736</i>
Application #:	<i>4-11-16</i>

## Murfreesboro Board of Zoning Appeals



T E N N E S S E E

## HEARING APPLICATION AND GENERAL INFORMATION

April 10, 2016

Mr. Robert Lewis  
City of Murfreesboro  
Planning and Engineering Department  
P.O. Box 1139  
Murfreesboro, TN 37133

Dear Mr. Lewis:

Mid America Distributors, Inc. respectfully requests permission to appear at the March meeting of the Murfreesboro Board of Zoning Appeals for the purpose of obtaining a permit to sell fireworks in the City of Murfreesboro at 2033 – 2063 Lascassas Pike in the Station Shopping Center parking lot in front of Food Lion.

Listed Below is an itemized list of how this location complies with the city's regulations.

**SECTION 8. PROCEDURE FOR USES REQUIRED SPECIAL PERMITS**

**(D) Procedure.**

(1)

- (a) Jake Loyd / 849 Lakemont Dr., Nashville, TN 37220 / 615-207-0452
- (b) Mid America Dist. plans to use this site to sell fireworks during the allotted time as designated by the City of Murfreesboro during the July 4 Season. We also have a lease agreement with the property owner. Proper documentation is attached.
- (c) Site plan enclosed
- (d) Parking lot of Northfield Station Shopping Center in front of the Food Lion at 2033 – 2063 Lascassas Pike in Murfreesboro, TN
- (f) Commercial Fringe (CF)
- (g) Manner in which special use will be conducted or operated:
  - [1] Days: June 28 – July 5 / Hours: 8am – 10pm (except July 3 &4, which will be 7am – 12pm)
  - [2] Duration: we will be selling for a total of eight (8) days for the July 4 season
  - [3] It is estimated that this location will have around 90 customers per day
  - [4] It is estimated that this location will have around 45 vehicles visit it per day
- (h) We do not foresee any harmful characteristics on this zoning district

**SECTION 9. STANDARDS FOR SPECIAL PERMIT USES**

**(C) Standards of general applicability.**

- (1) Putting a fireworks tent on this location will in no way have a substantial or undue adverse affect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities, and other matters affecting the public health, safety, and general welfare.

- (2) This fireworks tent will be constructed, arranged, and operated in a compatible manner with the immediate vicinity and will not interfere with any development or use of adjacent property in accordance with the applicable district regulations
  - (3) This location will adequately serve by essential public facilities and services such as highways, streets, parking spaces, drainage structures, refuse disposal, fire protection, water and sewers; if the location itself does not provide any of these the tent operator or Mid America Distributors will
  - (4) By selling fireworks at this location it will not result in the destruction, loss, or damage of any feature determined by the BZA to be of significant natural, scenic, or historic importance
  - (5) Selling fireworks at this location complies with all additional standards (see below)
- (Z) *Temporary vendors, as described in Section 25(D)(4) of this article, are subject to the following additional standards:*
- [1] Owner of the property or the owner's authorized agent's signature on application for the temporary vendor Special Use Permit is attached
  - [2] There is adequate parking on this site insuring that backing onto the street is not necessary. This tent is on the site of an existing permanent business. The tent and the parking combined do not exceed 25% of the total parking available on the site. Of the 222 parking spaces in front of the Food Lion, 55 of those represent 25% of the total parking spaces; this is exceedingly more spaces than we will use for the tent and parking.
  - [3] Traffic control measures are not needed for this site, but we will make additional provisions if deemed necessary by the BZA.
  - [4] The tent at this site will be erected or placed in conformance with all applicable Codes. The tent will have an emergency exit in addition to its normal entrance/exit. The only vehicle(s) that will be left on this site overnight are the ones that whoever is sleeping in the tent is driving. The location of the tent operator's vehicle is shown on the attached site plan. Other than what is mentioned above, there will be no other facilities, vehicles, trailer, etc left on site overnight.
  - [5] This site is within five hundred feet from an operable fire hydrant.
  - [6] Deposit of \$500 given / policy understood
  - [7] Restroom provisions: a portable toilet will be provided for this location
  - [8] Special Use Permit granted by BZA will be posted at this tent for inspections
  - [9] Setting up a fireworks tent at this site are not in violation with any sign, building, fire, electrical, or any other City ordinances. If such violation were to occur and we receive a notice, we understand the 24 hours deadline policy to fix the problem.
  - [10] We will use a generator at this location
  - [11] This tent will be erected outside of all easements for electrical power transmission and distribution.
  - [12] Adequate provisions for solid waste management have been made. In most cases, our tent operators take their solid waste to a city facility designated for this purpose, to our warehouse, or another site where they have obtained permission to do so. In any event, there will not be a dumpster used on this site.

- [13] I am well aware of the sign ordinance and what signage is legal. We will make certain that all of our signage complies with the sign ordinance.
- [14] There will not be any noises, etc that will disturb the piece coming from this location.
- [15] We only plan to use and apply for use of this location for the following period: June 28 – July 5, which does not exceed 70 days.
- [16] We will comply with any additional standards that the BZA may require in order to assure compatibility of this location with adjoining properties.
- [17] The site for this tent is located on asphalt, not gravel
- [18] Additional standards of a Special Use Permit for temporary vending of fireworks:
  - [aa] There is not a fuel source within two hundred feet of this proposed tent location or any fireworks inventory.
  - [bb] There are no facilities for onsite consumption of alcohol within a straight-line measurement of two hundred fifty feet of this proposed tent location or any fireworks merchandise (by just barely).
  - [cc] We are applying for this application to sell fireworks from June 28 through July 5. We understand that all activities and materials associated with the temporary sell of fireworks during these periods must not begin before June 21 and must end and be cleared by July 10.
  - [dd] We understand that as a Fireworks seasonal retailer we must comply with all state and City laws and all ordinances regarding the sale of fireworks, including but not limited to T.C.A. §68-104-101 and City Code §12.
  - [ee] We are only asking for approval for one period within the next year, we understand that we must apply again for any periods exceeding a year to date.

**SECTION 12-30 PROHIBITED SALES, USE AND POSSESSION OF FIREWORKS.**

- [A] We understand the definition of a *Bottle Rocket, D.O.T. Class C common firework, Mortar, and Reloadable*.
- [B] We understand that a person must be at least sixteen (16) years of age to purchase any D.O.T. Class C common fireworks. We also understand that any person sixteen (16) or seventeen (17) must show a state issued photo identification as proof of age to the seller or be accompanied by an adult.
- [C] We understand that, other than for a public display, it shall be unlawful for any person with the City of Murfreesboro to sell, use or possess any mortar firework with a single tube that is preloaded or having a diameter of 1.5” or more.
- [D] We understand that, other than for a public display, it shall be unlawful for any person with the City of Murfreesboro to sell, use, or possess any reloadable firework.
- [E] We understand that, other than for a public display, it shall be unlawful for any person with the City of Murfreesboro to sell, use, or possess any bottle rocket.

LEASE AGREEMENT

June 9, 2015

**PARTIES:**

**LESSOR:** L.P.R.S. Corp.  
Schonsheck, Inc.  
50555 Pontiac Trail  
Wixom, MI 48393

**LESSEE:** Jake Loyd, V. President  
Mid America Distributors, Inc.  
P.O. Box 1628  
LaVergne, TN 37086

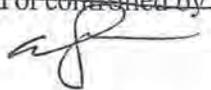
**DESCRIPTION AND USE OF PROPERTY:**

The property leased is a portion of the parking lot at Northfield Station Shopping Center located at 2033 – 2063 New Lascassas Pike in Murfreesboro, TN. The portion of the parking lot that is leased is described and designated on the site plan as the area marked "A" on the attached Exhibit "I". LESSOR agrees to rent to LESSEE space in said shopping center for a tent and adequate customer parking for the retail sale of Consumer Fireworks as outlined in Area "A" attached hereto.

**CONTINGENCIES AND EXCLUSIVE USE:**

If the above described property is sold or the sale of fireworks is prohibited by law or government regulations, this LEASE AGREEMENT becomes void upon giving a 30 day written notice by the appropriate party in advance of the appropriate rental period. LESSOR may void this agreement after July 10, 2016 (upon 45 days written notice to LESSEE in advance of the appropriate rental period) if LESSOR decides to not allow any fireworks sales on the premises. **This lease agreement is subject to the approval of Food Lion/Delhaize for each rental period. The Food Lion approval must be obtained by April 6 in order for LESSEE to obtain timely BZA approval from the City of Murfreesboro.**

This lease is subject to the approval of all City of Murfreesboro and State of Tennessee authorities. If any of the above contingencies occur resulting in LESSEE not being able to sell fireworks on the herein described property, all prepaid rent shall be returned to LESSEE. ~~LESSOR agrees to rent only to LESSEE during the term of this agreement and to not allow fireworks to be sold by any other party on the herein stated shopping center or any adjoining property owned or controlled by LESSOR unless the party selling fireworks is a regular year round tenant.~~



**TERM AND RENTAL PERIOD:**

LESSOR grants to LESSEE a periodic lease of the above described premises during the following fireworks sales periods and for the respective rental amounts set forth opposite each occupancy.

<u>Rental Period</u>	<u>Rent</u>
June 20, 2016 to July 10, 2016	
June 20, 2007 to July 10, 2017	
June 20, 2018 to July 10, 2018	

All rents are payable in advance. Upon acceptance of this agreement, a partial rent payment shall be paid to LESSOR for the 2016 season.

**INSURANCE AND FREE FIREWORKS:**

LESSEE supplies LESSOR, in advance, with a binder naming LESSOR for at least \$2,000,000 each occurrence whether in respect to bodily injury liability or property damage liability combined. LESSEE shall also provide LESSOR with a coupon which can be redeemed for a box of free fireworks.

**CLEAN-UP AND ELECTRICITY:**

LESSEE agrees to remove all structural items and debris, make any repairs to property damage, and leave the premises clean at the termination of this lease. If needed, LESSEE will be allowed to erect a temporary electric pole to provide adequate electricity for the fireworks outlet. This electric pole will be removed immediately after the termination of each rental period.

**BREACH OF LEASE:**

In the event either party retains an attorney as a result of the breach by one party of any of the terms, covenants and provisions of this Lease, the non-breaching party shall be entitled to recover the reasonable attorney's fees, court costs, and all costs of collection incurred by the non-breaching party as a direct result of such breach.

**SECURITY:**

LESSOR shall maintain adequate security of its fireworks at all times (24 hours per day) during this agreement.

**GENERAL:**

This agreement shall be interpreted under the laws of the State of Tennessee, and is binding upon the undersigned parties and their heirs, successor, and assigns. If any part of this instrument is unenforceable, the remainder hereof shall be in full force and effect. Notice is deemed given upon being mailed to the address shown first above.

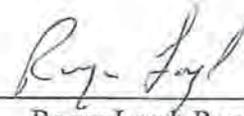
LESSOR:

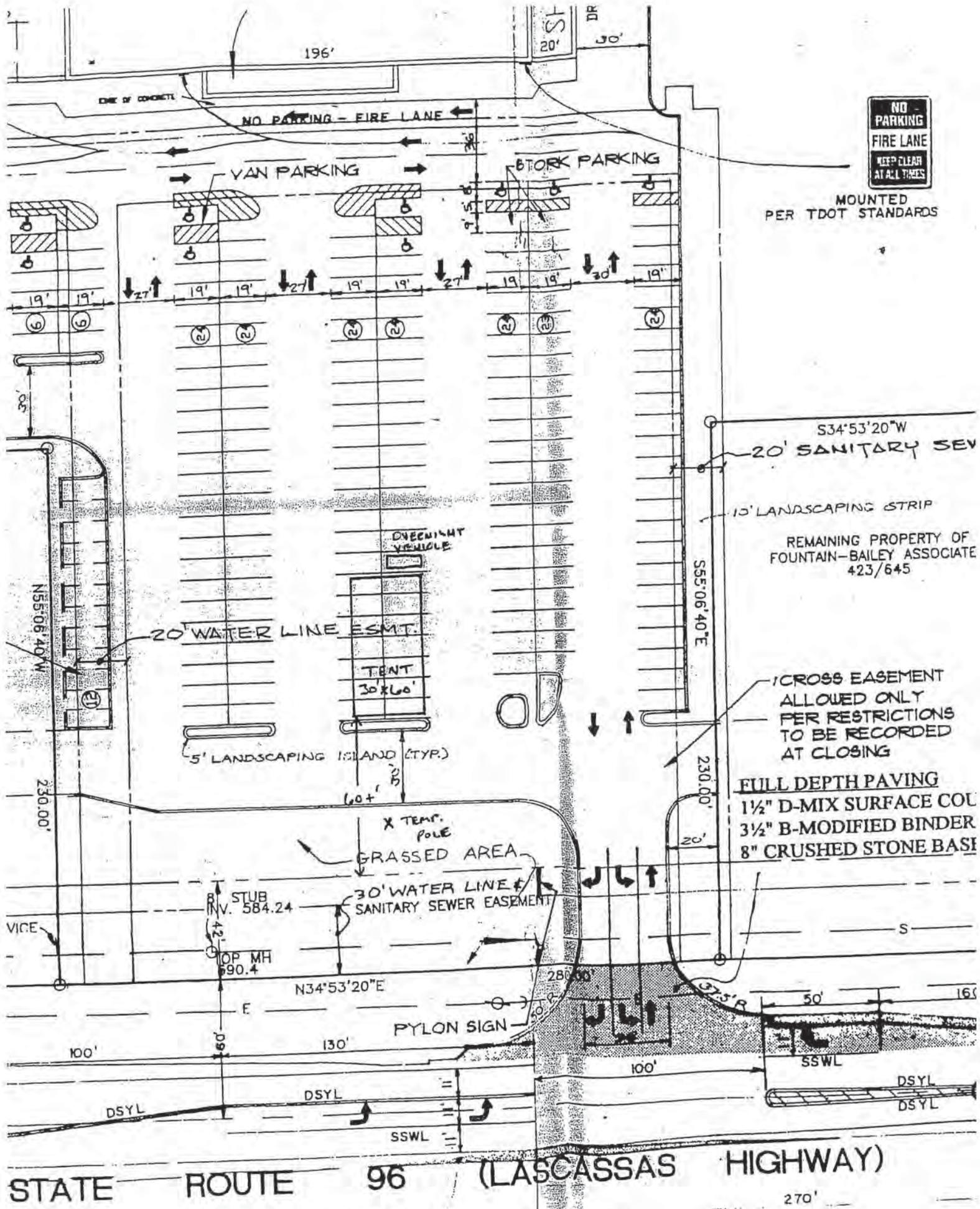
L.P.R.S. Corp.

By:  Date 6/16/15  
Kevin Schonsheck, Authorized Agent  
for Owner

LESSEE:

Mid America Distributors, Inc.

By:  Date 6/9/15  
Roger Loyd, President



MOUNTED PER TDOT STANDARDS

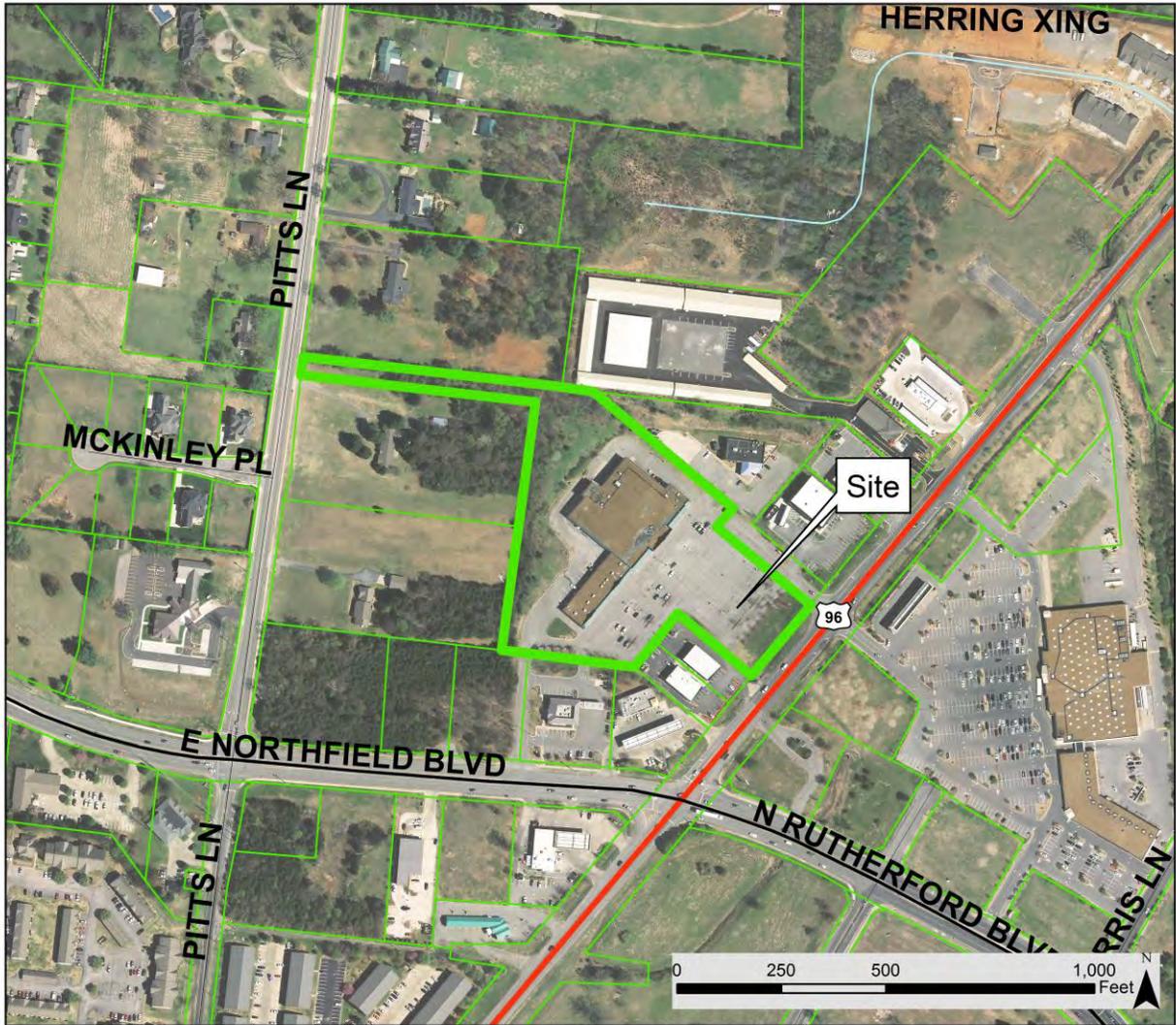
S34°53'20"W  
 20' SANITARY SEW  
 15' LANDSCAPING STRIP  
 REMAINING PROPERTY OF  
 FOUNTAIN-BAILEY ASSOCIATE  
 423/645

1' CROSS EASEMENT  
 ALLOWED ONLY  
 PER RESTRICTIONS  
 TO BE RECORDED  
 AT CLOSING  
**FULL DEPTH PAVING**  
 1½" D-MIX SURFACE COU  
 3½" B-MODIFIED BINDER  
 8" CRUSHED STONE BASE

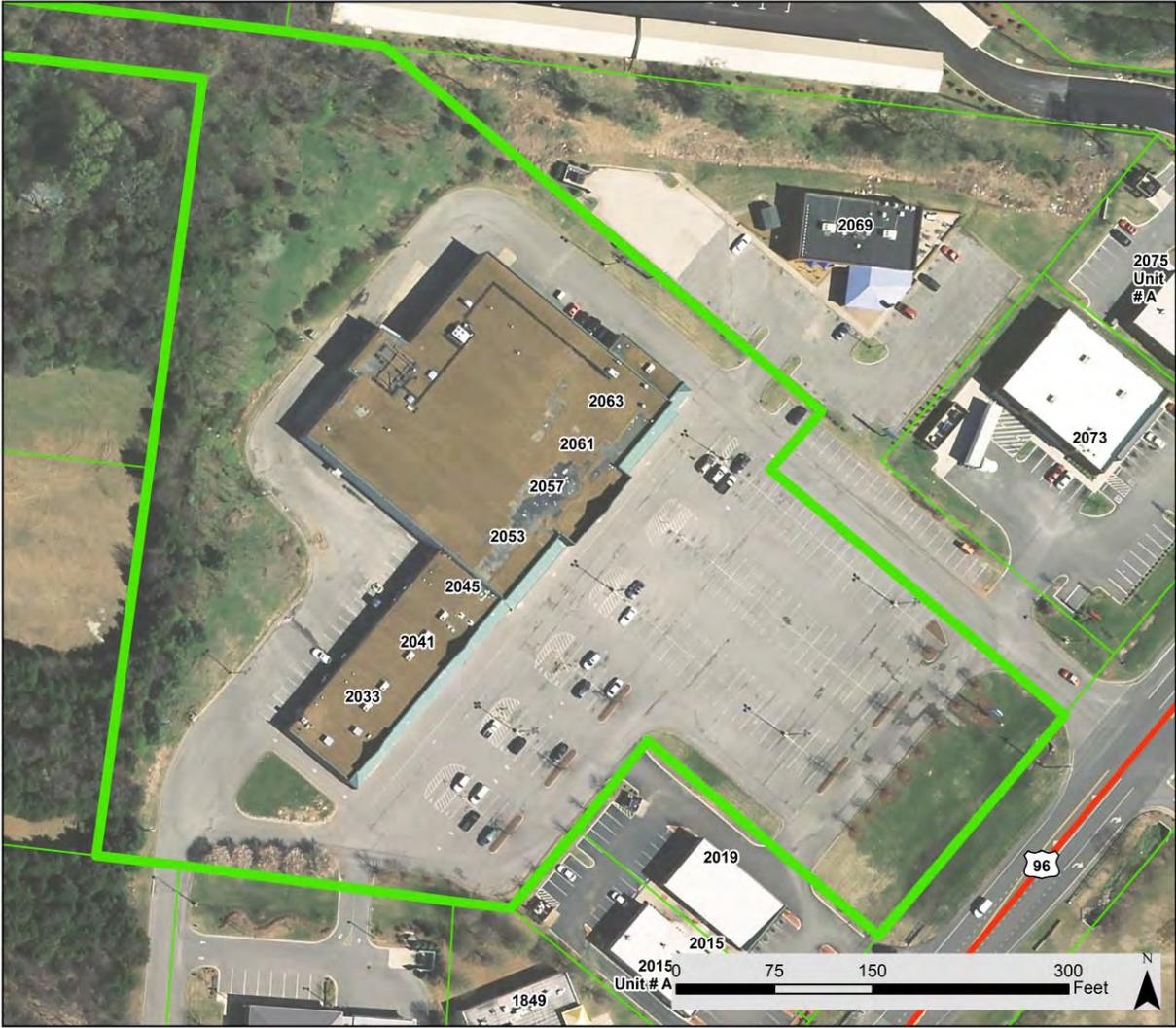
STATE ROUTE 96 (LASCASSAS HIGHWAY)

4' Min. Paved Shoulder Required 10

Photographs for Z-16-039  
2061 Lascassas Pike



Aerial photograph of subject property.



Aerial photograph of subject property.



View of subject property taken from Lascassas Pike looking to the south.



View of subject property taken from Lascassas Pike looking to the west.



View of subject property with fireworks tent. Google StreetView, June 2013.