

**MINUTES  
OF THE CITY OF MURFREESBORO  
BOARD OF ZONING APPEALS**

**City Hall, 111 W. Vine Street, Council Chambers**

**JULY 28, 2021, 1:00 PM**

**Members Present:**

Davis Young, Chair  
Julie King  
Tim Tipps  
Ken Halliburton, Vice-Chair

**Staff Present:**

Marina Rush, *Principal Planner*  
Matthew Blomeley, *Assistant Planning Director*  
Joel Aguilera, *Planner*  
Amelia Kerr, *Planner*  
Roman Hankins, *Assistant City Attorney*  
Serena Harris, *Recording Assistant*

**1. Call to order:**

Chair Young called the meeting to order at 1:03 pm.

**2. Determination of a quorum:**

Chair Young determined that a quorum was present.

**3. Consideration of Minutes:**

With there being no objection by any of the Board members, the minutes of the March 24, April 28, and June 23 BZA meetings were approved as submitted.

**4. New Business:**

- a. Zoning application [2021-022] for Tax Map 093M, Group B, portion of Parcel 02600, requesting a variance from the required 42-foot front yard setback along Malachite Drive to allow a 20-foot setback. Property is zoned Commercial Highway (CH), located along southwest corner of Franklin Road and Covenant Road. (Project Planner: Marina Rush):**

Marina Rush presented the Staff Comments regarding this item, a copy of which is maintained in the permanent files of the Planning Department and is incorporated into these minutes by reference.

Tim Tipps inquired about other comparable properties with three road frontages and also how this property was impacted by the existing stormwater pond.

Marina Rush addressed Mr. Tipps' questions.

Vice-Chair Halliburton asked what the rear setback would be if there were no road along the rear of the lot.

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Marina Rush answered that the rear setback would be twenty feet.

Julie King questioned why this commercial variance should be considered differently than similar residential variance requests, when homeowners have been historically denied for similar requests.

Marina Rush contrasted that most residential homes are of comparable size within an individual neighborhood; whereas commercial properties have varied uses, lot sizes, and building sizes making it difficult to make a comparison. Ms. Rush added that typically the ones that are denied are requests for larger homes that aren't comparable to neighborhood homes.

Chair Young inquired about the placement of Malachite Drive and why a smaller store footprint would not be acceptable.

Marina Rush reviewed road access and confirmed that the plan would work with the smaller building footprint.

Kelly Hiatt with CESO, Inc. 2126 Centerview Road, Suite 150, Brentwood, TN 37024 came forward to present why she thinks there is a hardship and how without this variance the growth of the store will be hindered.

Vice-Chair Halliburton inquired about whether this site is overparked.

Ms. Hiatt said that there are 90 parking spaces proposed, though Aldi's standard for a store this size is 95.

Chair Young opened the public hearing.

Bruce Kirk of Swanson Developments (1188 Park Avenue) came forward to support the request of the applicant.

There being no one else to speak for or against the request, Chair Young closed the public hearing.

The Board discussed the merits of this variance request.

Roman Hankins commented that either for the granting or denial of a variance, the BZA has to provide written findings of fact, stating which elements are or are not proven by preponderance of the evidence.

There being no further discussion, Julie King moved to deny the variance application based on the fact that the applicant failed to meet the standards required by the Zoning Ordinance; The motion was seconded by Chair Young, and the motion was denied by the following vote:

Aye: Julie King

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Ken Halliburton  
Davis Young

Nay: Tim Tipps

A copy of the Board Action on Application for Variance is appended hereto.

Tim Tipps inquired if the Chair can second a motion.

Roman Hankins clarified that the BZA Rules and Procedures allow the Chair to second motions.

- b. Zoning application [2021-021] for Tax Map 092, Parcel 46.01, requesting a special use permit in accordance with the City of Murfreesboro Zoning Ordinance, Chart 1, to construct a public building for State of Tennessee DMV and Rutherford County Register's satellite offices. Property is zoned Residential Single Family (RS-15), located at the northwest corner of Blaze Drive and Fortress Boulevard. (Project Planner: Amelia Kerr)**

Marina Rush, on behalf of Amelia Kerr, presented the Staff Comments regarding this item, a copy of which is maintained in the permanent files of the Planning Department and is incorporated into these minutes by reference.

Vice-Chair Halliburton inquired about the services of this location, including the drive-thru window.

Ms. Rush and Mike Hughes with Rutherford County Engineering Department came forward to offer clarification on the project.

Chair Young opened the public hearing.

There being no one else to speak for or against the request, Chair Young closed the public hearing.

There being no further discussion, Ken Halliburton moved to approve the special use permit application subject to all staff recommendations; The motion was seconded by Tim Tipps and carried by the following vote:

Aye: Tim Tipps  
Julie King  
Ken Halliburton  
Chair Davis Young

Nay: None

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## **5. Staff Reports and Other Business:**

- a. Marina Rush proposed a training session to review the BZA standards, processes & procedures within the next two months.

## **6. Adjourn.**

There being no further business, Chair Young adjourned the meeting at 1:46 p.m.