

MINUTES
OF THE CITY OF MURFREESBORO
BOARD OF ZONING APPEALS
City Hall, 111 W. Vine Street, Council Chambers

April 26, 2023 1:00PM

Members Present:

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

Staff Present:

Matthew Blomeley, Assistant Planning Director
Marina Rush, Principal Planner
Brad Barbee, Planner
Joel Aguilera, Planner
Roman Hankins, Assistant City Attorney
Ashley Fulghum, Recording Assistant

Members Absent:

None

1. Call to Order:

Chair Young called the meeting to order.

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 January 25, 2023, BZA meeting were approved as submitted.

4. New Business:

a. Application [Z-23-008] by Patricia Troxell-Tant of Vogue Tower Partners VII, LLC, requesting a 115-foot height variance from Chart 2 of the City of Murfreesboro Zoning Ordinance, which allows a maximum height of 35 feet to allow a new telecommunication pole and antenna height of 150 feet, and a special use permit for a wireless telecommunication facility on property in the Residential Single Family (RS-15) district located at 591 Fortress Boulevard.

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Mr. Brad Barbee 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.

Mr. Michael Sandifer, representative of Vogue Tower Partners VII, LLC, was present to answer questions.

Ms. Misty Foy inquired if other telecommunications poles would be proposed in the future for the area. Mr. Sandifer responded that future requests would be dictated by growth.

Ms. Julie King asked staff about the height of existing emergency towers as compared to the proposed telecommunications tower. Mr. Matthew Blomeley responded that the emergency tower is taller.

Mr. Tim Tipps inquired about moving telecommunications to other structures. Mr. Blomeley responded that there are more requests for small cell towers and fewer for macro towers.

Mr. Tipps asked if tall towers are a necessity. Mr. Sandifer confirmed that macro towers are a necessity and explained that they provide coverage for larger geographic areas.

Ms. Foy inquired about the look of the pole as more providers are added to it. Mr. Sandifer responded that the look would change as more antennas are added. Ms. Foy asked if there is a maximum number of carriers that can be on the pole. Mr. Sandifer replied that it depends on what the pole is designed to accommodate.

The Board, Staff, and Mr. Sandifer discussed the aesthetics of monopoles.

Chair Young opened the public hearing.

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

Ms. Julie King moved to approve the special use permit subject to all Staff comments; the motion was seconded by Ms. Misty Foy and was carried by the following vote:

Aye: Misty Foy

Vice-Chair Ken Halliburton

Julie King

Tim Tipps

Chair Davis Young

Nay: None

Vice-Chair Ken Halliburton moved to approve the height variance subject to all Staff comments; the motion was seconded by Mr. Tim Tipps and was carried by the following vote:

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Aye: Misty Foy

Vice-Chair Ken Halliburton

Julie King

Tim Tipps

Chair Davis Young

Nay: None

b. Application [Z-23-007] by Lennae Frantz, requesting a special use permit to establish a home occupation (hair salon) on property in the Residential Single Family (RS-15) district located at 1711 Bridget Drive.

Mr. Brad Barbee 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.

Mr. Barbee presented the Board with three comments of opposition from neighbors. Mr. Barbee explained that opposing neighbors are concerned about traffic, the affect it will have on property values, and how it might encourage additional commercial uses in the area.

Ms. Lennae Frantz was present to answer questions.

Vice-Chair Ken Halliburton inquired about the limitations of operation. Mr. Barbee responded that only one customer at a time shall visit the home. The hours of operation are Tuesday- Saturday 9:00 AM- 7:00PM. All the parking will be in the driveway.

Vice-Chair Halliburton inquired about signage. Ms. Frantz responded that per the Cosmetology Board, she is required to put a small sign up.

Mr. Tipps asked if the hours of operation are typical. Ms. Marina Rush confirmed that it is standard. Mr. Barbee reviewed the recommended conditions of approval.

Chair Davis Young inquired if there is a limit to how much space in the home can be used for the business. Mr. Barbee replied that 25% of the floor area can be used for the business.

Mr. Tipps inquired about the special use permit in relation to the potential transfer of property. Ms. Rush responded that the Board could add a condition to make the special use permit invalid when the home is sold. Chair Young asked if the next owner of the property would be bound to the conditions of approval if the board does not add that condition. Ms. Rush confirmed that the conditions of approval would apply to the next owner.

Chair Young opened the public hearing.

Ms. Terri Broich of 1830 Bridget Drive voiced her opposition to the special use permit.

Ms. Tricia Pohlman of 3305 Houk Court voiced her support for the special use permit.

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Mr. Douglas Cottingham of 1614 Lewis Circle voiced his support for the special use permit.

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

Mr. Tim Tipps moved to approve the special use permit subject to all Staff comments and the addition of a seventh condition to have the special use permit lapse upon transfer of the property; the motion was seconded by Vice-Chair Ken Halliburton and was carried by the following vote:

Aye: Misty Foy

Vice-Chair Ken Halliburton

Julie King

Tim Tipps

Chair Davis Young

Nay: None

c. Application [Z-23-006] by Margaret Greeson, requesting a special use permit to establish an accessory apartment on property in the Residential Single Family (RS-15) district located at 2103 Patriot Drive.

Mr. Joel Aguilera 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.

Ms. Margaret Greeson and Mr. Philip Kilpatrick were present to answer questions.

Mr. Tipps inquired if the structure complies with the setbacks. Mr. Aguilera responded that it does not comply with setbacks because it is a non-conforming structure.

Chair Young opened the public hearing.

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

Ms. Misty Foy moved to approve the special use permit subject to all Staff comments; the motion was seconded by Mr. Tim Tipps and was carried by the following vote:

Aye: Misty Foy

Vice-Chair Ken Halliburton

Julie King

Tim Tipps

Chair Davis Young

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Nay: None

5. Staff Reports and Other Business:

None.

6. Adjourn:

There being no further business, Chair Young adjourned the meeting at 1:51pm.

CHAIRMAN

SECRETARY