

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

May 24, 2023 1:00PM

**Members Present:**

Davis Young, Chair  
Ken Halliburton, Vice-Chair  
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:**

Misty Foy

**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 April 26, 2023, BZA meeting were approved as submitted.

**4. New Business:**

**a. Application [Z-23-009] by Elijah Montgomery, requesting two variances from the Zoning Ordinance, Chart 2 from the required 35-foot front setback to 25 feet and from the required 25 rear setback to 22 feet in order to construct a single-family home on an approximately 5,481 square foot lot zoned RM-16 located at 701 East Street.**

Mr. Tim Tipps stated that he has known Mr. Montgomery for several years but has not discussed the applications submitted to the Board of Zoning Appeals with him.

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Vice-Chair Ken Halliburton also stated that he has known Mr. Montgomery for several years and has not discussed the applications submitted to the Board of Zoning Appeals with him.

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.

Vice-Chair Halliburton inquired about the setbacks of other houses on the street. Mr. Aguilera responded that there are houses with varying setbacks.

Mr. Tipps inquired about the 1985 zoning. He asked if the homes were out of compliance, when it went into effect, due to their age. Mr. Aguilera stated that there was no record of the decision-making process. Staff believes that the intent of the zoning was for multi-family properties, but the neighborhood developed into single-family homes. Ms. Marina Rush stated that the homes pre-date zoning ordinances.

Ms. Julie King inquired if the neighborhood was inside the historic district. Mr. Aguilera stated that it was outside of the historic district and the city core overlay.

The applicant, Mr. Elijah Montgomery, stated why he believed the variances should be approved.

Chair Young opened the public hearing.

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

Mr. Tipps stated that he believes allowing some flexibility of setbacks, in the central part of town, would be positive for the community.

Ms. Julie King moved to approve the two variances subject to all Staff comments; the motion was seconded by Mr. Tim Tipps and was carried by the following vote:

Aye: Vice-Chair Ken Halliburton

Julie King

Tim Tipps

Chair Davis Young

Nay: None

**b. Application [Z-23-010] by Elijah Montgomery, requesting two variances from the Zoning Ordinance, Chart 2 from the required 35-foot front setback to 25 feet and from the required 25 rear setback to 21 feet in order to construct a single-family home on an approximately 5,487 square foot lot zoned RM-16 located along West Street.**

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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.

Mr. Tipps asked why the applications were separated. Mr. Roman Hankins responded that it is because they are separate lots of record. The decision must be made on a lot-by-lot basis.

Mr. Montgomery clarified the difference between the two lots.

Chair Young opened the public hearing.

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 two variances subject to all Staff comments; the motion was seconded by Vice-Chair Ken Halliburton and was carried by the following vote:

Aye: Vice-Chair Ken Halliburton

Julie King

Tim Tipps

Chair Davis Young

Nay: None

**c. Application [Z-23-012] by Joey Rouse of TNT Fireworks, requesting a special use permit to operate a temporary outdoor vending establishment (seasonal fireworks retailer) in the parking lot of an existing shopping center, zoned Commercial Highway (CH) located at 2946 South Church Street.**

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. Joey Rouse was present to answer questions.

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 inquired about the location of the fireworks tent in relation to the gas station.

Mr. Barbee responded that the tent was far enough away from the fueling source.

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

Aye: Vice-Chair Ken Halliburton

Julie King

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Tim Tipps

Chair Davis Young

Nay: None

**d. Application [Z-23-013] by Joey Rouse of TNT Fireworks, requesting a special use permit to operate a temporary outdoor vending establishment (seasonal fireworks retailer) in the parking lot of an existing shopping center, zoned Commercial Highway (CH) located at 2449 Old Fort Parkway.**

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. Joey Rouse was present to answer questions.

Chair Young inquired about the general fireworks application process. Mr. Barbee stated that it is generally a smooth process, and most vendors go through it year after year.

Chair Young opened the public hearing.

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

Vice-Chair Ken Halliburton moved to approve the special use permit subject to all Staff comments; the motion was seconded by Ms. Julie King and was carried by the following vote:

Aye: Vice-Chair Ken Halliburton

Julie King

Tim Tipps

Chair Davis Young

Nay: None

**e. Application [Z-23-011] by Joey Rouse of TNT Fireworks, requesting a special use permit to operate a temporary outdoor vending establishment (seasonal fireworks retailer) in the parking lot of an existing shopping center, zoned Commercial Highway (CH) located at 2325 Memorial Boulevard.**

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.

Mr. Joey Rouse was present to answer questions.

Mr. Tipps inquired about the location of the fireworks tent in relation to a fuel source. Mr. Aguilera reviewed the site plan with the Board.

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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 Mr. Tim Tipps and was carried by the following vote:

Aye: Vice-Chair Ken Halliburton

Julie King

Tim Tipps

Chair Davis Young

Nay: None

**f. Application [Z-23-017] by Joey Rouse of TNT Fireworks, requesting a special use permit to operate a temporary outdoor vending establishment (seasonal fireworks retailer) in the parking lot of an existing shopping center, zoned Commercial Highway (CH) located at 2050 Lascassas Pike.**

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.

Mr. Joey Rouse was present to answer questions.

Chair Young opened the public hearing.

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; the motion was seconded by Vice-Chair Ken Halliburton and was carried by the following vote:

Aye: Vice-Chair Ken Halliburton

Julie King

Tim Tipps

Chair Davis Young

Nay: None

### 5. Staff Reports and Other Business:

None.

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**6. Adjourn:**

There being no further business, Chair Young adjourned the meeting at 1:47pm.

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CHAIRMAN

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SECRETARY