

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

September 27, 2023 1:00PM

Members Present:

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

Staff Present:

Greg McKnight, Exec. Director Dev. Services
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. Nominations and Elections:

Vice-Chair Ken Halliburton motioned to nominate Mr. Davis Young as Chair; 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

Nay: None

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Abstain: Chair Davis Young

4. Consideration of Minutes:

With there being no objection by any of the Board members, the minutes of the June 28, 2023, BZA meeting were approved as submitted.

5. New Business:

a. Application [Z-23-032] by Matt Taylor of SEC, Inc. on behalf of Brenda Jarman, is requesting a special use permit to expand an institutional group assembly (Providence Christian Academy) to incorporate an existing building into the school campus for property located in the Single Family Residential (RS-15) district at 378 Dejarnette Lane.

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. Matt Taylor of SEC, Inc was present to answer questions.

Chair Young opened the public hearing.

There being no one 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 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

b. Application [Z-23-030] by Ms. Angela Range, is requesting a special use permit to establish a home occupation (hair salon) on property in the Residential Single Family (RS-15) district located at 1303 Halifax Court.

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.

The Board and Staff discussed restrictive covenants and the Zoning Ordinance. Covenants and zoning are separate entities and operate in different fields.

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Chair Young inquired about the hours of operation. Mr. Aguilera responded that previous Special Use Permits approved have varied time limits. Generally, prior approvals allowed these types of uses to begin no earlier than 8:00am and end no later than 7:00pm.

Ms. Angela Range spoke about her application.

Chair Young opened the public hearing.

Mr. Roy Thompson of 2102 Windsor Street spoke in opposition to the application.

Ms. Katharine Bond of 1015 Glasgow Drive spoke in opposition to the application.

Mr. Sean Gilliland of 1011 Whitehall Road spoke in opposition to the application.

Mr. Jimmy Fox of 1118 Glasgow Drive spoke in opposition to the application.

Mr. Sumner Bouldin of 1911 Windsor Street spoke in opposition to the application.

Mr. Dicken Kidwell of 1310 Halifax Court spoke in opposition to the application.

Ms. Margery Thompson of 1305 Halifax Court spoke in opposition to the application.

Mr. Thomas Wakefield of 1202 Scotland Drive spoke in opposition to the application.

Ms. Maria Gregory of 1122 Glasgow Drive spoke in favor of the application.

Ms. Shannon Fox of 1118 Glasgow Drive spoke in opposition to the application.

Ms. Katelyn Burns of 1303 Halifax Court spoke in favor of the application.

Ms. Janice Rozell of 1910 Windsor Street spoke in opposition to the application.

Ms. Karen Clarke of 1006 Glasgow Drive spoke in opposition to the application.

Ms. Sondra Wilcox of 1211 Raleigh Court spoke in opposition to the application.

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

Mr. Roman Hankins addressed comments made regarding statements by City Officials. He stated that unless they were made directly by the official or there is documentation in the record, those statements are hearsay and should be considered accordingly in the deliberations of the body.

Mr. Hankins spoke about the jurisdiction of the Board of Zoning Appeals.

Ms. King inquired if there is anything that defines character of the neighborhood. Mr. Hankins responded that there is none that he has found. He stated that it is best to consider and deliberate on the factual elements that have been provided.

Vice-Chair Ken Halliburton stated that he will abstain from voting and deliberation due to residing in the neighborhood. Mr. Hankins stated that with Mr. Tipps' absence and Vice-Chair Halliburton's abstention there will be a quorum of three.

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The Board and Staff further discussed character of the neighborhood and permitted uses in Residential Zones.

Ms. King inquired about Special Use Permits in this neighborhood. Mr. Aguilera explained the difference between administrative home occupations and Special Use Permits for home occupations. He stated that Staff found four active administrative home occupations and no Special Use Permits for home occupations in this neighborhood.

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

Julie King

Nay: Chair Davis Young

Abstain: Vice-Chair Ken Halliburton

6. Staff Reports and Other Business:

None

7. Adjourn:

There being no further business, Chair Young adjourned the meeting at 2:29pm.

CHAIRMAN

SECRETARY