



# CITY OF MCMINNVILLE, TENNESSEE

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**To:** Board of Zoning Appeals Members  
**From:** Community Development  
**Subject:** March 30, 2021 Public Hearings and Meeting  
**Date:** March 19, 2021

1. **Special Exception for property located at 108 Peers Street (Tax Id: 059N A 007.00)**
2. **Special Exception for property located at 109 Warren Street (Tax Id: 068D B 006.01)**
3. **Special Exception for property located at 121 & 123 E. Main Street (Tax Id: 068E H 006.00)**

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## Staff Report

1. **Special Exception for property located at 108 Peers Street: Attached Accessory Apartment in General Commercial**

The McMinnville Board of Zoning Appeals is reviewing a special exception request for a property located at 108 Peers Street, further identified as Map 059N Group A Parcel 007.00 of Warren County Tax Maps. The property is zoned C-2 General Commercial District. The request is to allow an attached accessory apartment within a commercial building. The applicant is John and Keri Morton who own the property (see attached Special Exception application).

The parcel is approximately 15,500 sf in size and fronts Peers Street between W. Seitz Street and Clark Blvd (see attached Special Exception Map). The half of the building is currently used as a Creative Illusions Salon. The owner seeks to convert half of the commercial building into an accessory apartment. (Please see attached site plan)

When granting a special exception, the BZA should base their decision on the standards set out in the Zoning Code to avoid appearing arbitrary or inconsistent. When reviewing a special exception, the BZA shall determine if there is compliance with the specific standards for the special exception requested. The standards are as follows:

1. Only two (2) accessory apartment per commercial building shall be permitted.

2. The accessory apartment shall be located within or connected to the commercial building and shall be a clearly subordinate part thereof.
3. The residential areas shall not exceed fifty (50) percent of the gross floor area of the principal structure; shall not contain more than two (2) bedrooms.
4. All exterior entrances to the accessory apartment shall be made from the rear or side of the principal structure.
5. Two (2) additional off-street parking spaces shall be provided.
6. All municipal building and fire codes shall be adhered to.
7. A floor plan and site plan depicting all proposed changes to the commercial structure shall be submitted.

Additionally, the BZA shall determine that satisfactory provision and arrangement has been made concerning:

1. It is so designed, located and proposed to be operated so that the public health, safety, and welfare will be protected;
2. It will not adversely affect other property in the area in which it is located;
3. It is within the provision of "Uses Permitted on Appeal" as set forth in this Official Zoning Code;
4. It conforms to all applicable provisions of this Official Zoning Code for the district in which it is to be located.

**Recommendation: Approval of Attached Accessory Apartment in Commercial Building**

The staff recommends approval of this Special Exception request, as the project meets the standards listed in the Zoning Code. The residence represents 50% of the total gross floor area and contains two bedrooms. The entrance to the apartment is on the rear of the building and there enough space on the lot for the parking requirement. The owner has already started the building permit process and intends to meet all relevant building and fire codes. An accessory apartment would not be detrimental to the surrounding buildings, many of which are residences. It is also a recognized "Use Permitted on Appeal" for the C-2 district.

**2. Special Exception for property located at 109 Warren Street: Multi-family in Medium Density Residential**

The McMinnville Board of Zoning Appeals is reviewing a special exception request for a property located at 109 Warren Street, further identified as Map 068D Group D Parcel 001.00 of Warren County Tax Maps. The property is zoned R-2 Medium Density Residential District. The request is to allow the use of the property for a multifamily home, specifically a triplex. The applicant is Brandon Wingate of Warren Properties, LLC who is the property owner and developer.

This property will go through the subdivision process prior to the BZA meeting. If the plat is approved, we will proceed with the review of this special exception. The proposed lot is 25,304 sq ft and fronts Warren Street. It would have approximately 120 ft at the building line according to the site plan for the project (see site plan).

**Recommendation: Approval of Multi-Family in Medium-Density Residential**

When granting a special exception, the BZA should base their decision on the standards set out in the Zoning Code to avoid appearing arbitrary or inconsistent. When reviewing a special exception, the BZA shall determine if there is compliance with the specific standards for the special exception requested. The standards are as follows:

1. Application and site plan as required in Section 14-602.1 of this Official Zoning Code shall be submitted to and approved by the McMinnville Building Inspector.
2. Development standards are required in Section 14-602.2 of this Official Zoning Code shall be complied with.

Additionally, the BZA shall determine that satisfactory provision and arrangement has been made concerning:

1. It is so designed, located and proposed to be operated so that the public health, safety, and welfare will be protected;
2. It will not adversely affect other property in the area in which it is located;
3. It is within the provision of "Uses Permitted on Appeal" as set forth in this Official Zoning Code;
4. It conforms to all applicable provisions of this Official Zoning Code for the district in which it is to be located.

The staff recommends approval of this Special Exception request with the contingency the plat is approved by the Planning Commission. The project meets the requirements of the Zoning Code for multi-family in R-2 and standards as a Special Exception use.

**3. Special Exception for property located at 121 & 123 E. Main Street: Mixed Use in Central Business District**

The McMinnville Board of Zoning Appeals is reviewing a special exception request for a property located at 221 E Main Street, further identified as Map 068E Group H Parcel 006.00 of Warren County Tax Maps. The property is zoned C-1 Central Commercial District. The request is to allow the use of the property for a mixed-use development with commercial on the ground floor and residential on the second floor. The applicant is Joe O'Neal who is the property owner and developer.

The lot is approximately 6,035 sq ft and fronts E. Main Street. On the ground floor is retail space previously occupied by Trendy Trunk and Ashley's Attic. This area will remain retail after the owner has renovated the interior. A portion of the second story will be used for office and storage and the remainder will be used for a 1,300 sf one-bedroom apartment (see application and attachments).

**Recommendation: Approval of Mixed-Use in Central Business District**

When granting a special exception, the BZA should base their decision on the standards set out in the Zoning Code to avoid appearing arbitrary or inconsistent. When reviewing a special exception, the BZA shall determine if there is compliance with the specific standards for the special exception requested. The standards are as follows:

1. The off-street parking requirements of Section 14-301 of this Official Zoning Code shall be complied with
2. A minimum square footage per dwelling unit of 650 sf for a one-bedroom unit, 800 sf for a two-bedroom unit, and 1000 sf for a three-bedroom unit shall be provided.
3. All municipal buildings and fire codes shall be adhered to.
4. All new residential construction shall meet the minimum lot area, width and yard requirements as required in the R-3 High Density Residential District.

Additionally, the BZA shall determine that satisfactory provision and arrangement has been made concerning:

1. It is so designed, located and proposed to be operated so that the public health, safety, and welfare will be protected;
2. It will not adversely affect other property in the area in which it is located;
3. It is within the provision of "Uses Permitted on Appeal" as set forth in this Official Zoning Code;
4. It conforms to all applicable provisions of this Official Zoning Code for the district in which it is to be located.

The staff recommends approval of this Special Exception request. This project meets the minimum square footage requirement, and the owner is working through the building permit process to ensure that the project meets all municipal and building codes. No off-street parking is required as the Central Commercial District is exempt from required parking spaces per provision 14-301.7.