

MORRISTOWN BOARD OF ZONING APPEALS

AGENDA

December 8, 2015

Call to Order

Invocation/Pledge of Allegiance

I. Approval of the **October 13, 2015** minutes.

II. **Old Business:**

None

III. **New Business:**

A. Use-on-Reviews:

B. Variances:

VARI 1644-2015: CSC Properties for Lot 3A of Phase II Charles Nichols Subdivision along W.A.J. Highway -- 7.5 foot side yard setback variance

C. Interpretations:

D. Appeals:

Adjournment

The next meeting of the Morristown Board of Zoning Appeals is scheduled for January 12,, 2016 at 4:00 PM.
The deadline to submit applications for this meeting is December 14, 2015.

Morristown Board of Zoning Appeals
Minutes
October 13, 2015

Members Present

Chairman Terry Ball
Vice-Chairman Doug Beier
Secretary Bob Garrett
Board Member Bill Thompson
Board Member Jack Kennerly

Members Absent

Board Member Jim Beelaert
Mayor Gary Chesney

Others Present

Alan Hartman, Development Director
Lori Matthews, Senior Planner
Logan Engle, Planner
Eual Noah, Fire Marshal
Kat Morilak, Development Services
Ralph "Buddy" Fielder, Asst. City Admr.
Greg Ellison, Plumbing Inspector

Debra Williams
J. R. Byerley
Paul LeBel
Judy Stockard

I. Approval of the September, 8, 2015 minutes.

Vice-Chairman Beier made a motion that the September 8, 2015 minutes be approved; seconded by Board Member Thompson. Upon voice vote: all ayes.

II. UORV 1624-2015: Morristown Hamblen Humane Society is requesting use on review approval for proposed new facility along S. Sugar Hollow Road.

Ms. Matthews explained staff has received a request from the Morristown Hamblen Humane Society to construct an animal shelter at 169 S. Sugar Hollow Road. The property is zoned (LI) Light Industrial and the intended use is not specifically listed as permitted. This board some months back was asked for an interpretation of this use within an LI district, which allows animal hospitals, kennels and grooming establishments. It was this board's decision to take each request on a case-by-case basis with a use on review submittal. Adjoining this six acre tract, all properties are within the Urban Growth Boundary area, are wood lots to the front and rear, small church exist immediately south of this land, light manufacturing businesses to the north, Stewart Lumber is also located to the north and behind this property. Surrounding properties which are within the corporate limits are all zoned for manufacturing, Light Industrial. This parcel of land was donated to the Morristown Hamblen Humane Society for possible new shelter operations in 2002. USGS maps depict depressed areas on the property which may hamper any large scale industrial development. Pursuant to Section 14-226, specific uses may be brought before the Board of Zoning Appeals for consideration and approval as long as adequate conditions exist for said use and the use and intent is compatible with the surrounding properties and the remainder of city code. Due to topographic restraints on the land and minimal impacts to adjoining neighbors, city staff would recommend this use on review be granted by the Board of Zoning Appeals.

Ms. Stockard explained we are good for the moment. We have enough donations that we can get started and we have grants that will be coming in. The community wants a shelter and we are going to supply it with the community; most of the money that it coming to this shelter is coming from the community by donation. The thing we are lacking now is concrete and plumbing which we feel like that we will be able to get the biggest part of that. We do have money to get started we are looking at approximately 10 to 12,000 square feet. We are hoping to be in it a year from now. We do not have an architect. We are hoping that we can get us an architect to work with us and we will not have to pay for it. We want to be able to give them a voucher so it can be wrote off of their income tax at the end of the year. I am hoping we can work and work fast with somebody.

Board Member Kennerly made a motion to approve the use on review for an animal shelter at 169 S. Sugar Hollow Road; seconded by Vice-Chairman Beier. Voting Results: 5 yes 0 no. Voting yes were Secretary Garrett, Board Member Thompson, Vice-Chairman Beier, Board Member Kennerly and Chairman Ball.

III. Clarification of accessory structures within commercially zoned district.

Mr. Hartman explained staff would like an interpretation to be confirmed from this board. We have recently received request for accessory structures in the commercial districts in particular the open air type of carport, which is a roof supported by four poles. We realized there is a clear definition of accessory buildings for residential purposes and a diagram for that. We do not have any real information/definition for commercial districts. We would like to request this board to agree or to consider agreeing with our opinion that accessory structures, similar to how we treat them in residential districts, be located no further forward in the front yard than the principal structure and meet the side yard setbacks and rear yard setbacks for the zoning district in which they are located.

Vice-Chairman Beier what caused this to become an issue. Mr. Hartman explained our building department was asked by an auto repair shop on W. Andrew Johnson Highway in an Intermediate Business District, that there are several cars parked there either for sale or in need of repairs and parked up close to the highway and if they are not in the repair garage they are outside in the parking lot, they are wanting to have some storage for them under a roof. Mr. Hartman explained if it has a roof, it typically is treated as a structure. Mr. Hartman explained if they meet the setbacks, the building official can go ahead and write the permit. If there is something that did not clearly meet the setbacks, it would be brought before the Board of Zoning Appeals for an opinion or review. Mr. Hartman explained we are asking that you consider the front be considered at the front building line of the principal structure with the exception of side and rear still meet what that district requires.

Board Member Kennerly made a motion that the definition in commercial districts that accessory structures be no closer to the street than the front of primary building and meets all other setbacks; seconded by Councilmember Garrett. Voting Results: 5 yes, 0 no. Voting yes were Secretary Garrett, Board Member Thompson, Vice-Chairman Beier, Board Member Kennerly and Chairman Ball.

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Mr. Hartman explained as of right now, every board member meets the training hours for 2015.

There being no other business, the meeting was adjourned.

Respectfully submitted,

Bob Garrett
Secretary

RG/sk



Department of Community Development
100 West 1st North Street
Morristown, TN 37814
(423)585-4620

TO: Morristown Board of Zoning Appeals
FROM: Lori Matthews, Senior Planner
DATE: December 8th, 2015
SUBJECT: Side yard setback variance request

REQUEST SUMMARY -

A variance request has been received from CSC Properties, LLC. for Lot 3A of Phs. II, Charles Nichols Subdivision, property owner being Mr. Charles Nichols. Acting on behalf of the applicant will be Mr. Clint Harrison, P.E.

The property, 1.2 acres in size, is adjacent to Weigel's convenience store along W Andrew Johnson Highway just past Walters Drive and is zoned PCB (Planned Commercial Business). Surrounding properties including those across the highway are zoned IB (Intermediate Business). The concept plan submittal shows a total of 6,800 sq. ft. of retail space (one building) which will house two separate businesses. Parking as shown exceeds our minimum requirement of 34 spaces for this site and use.

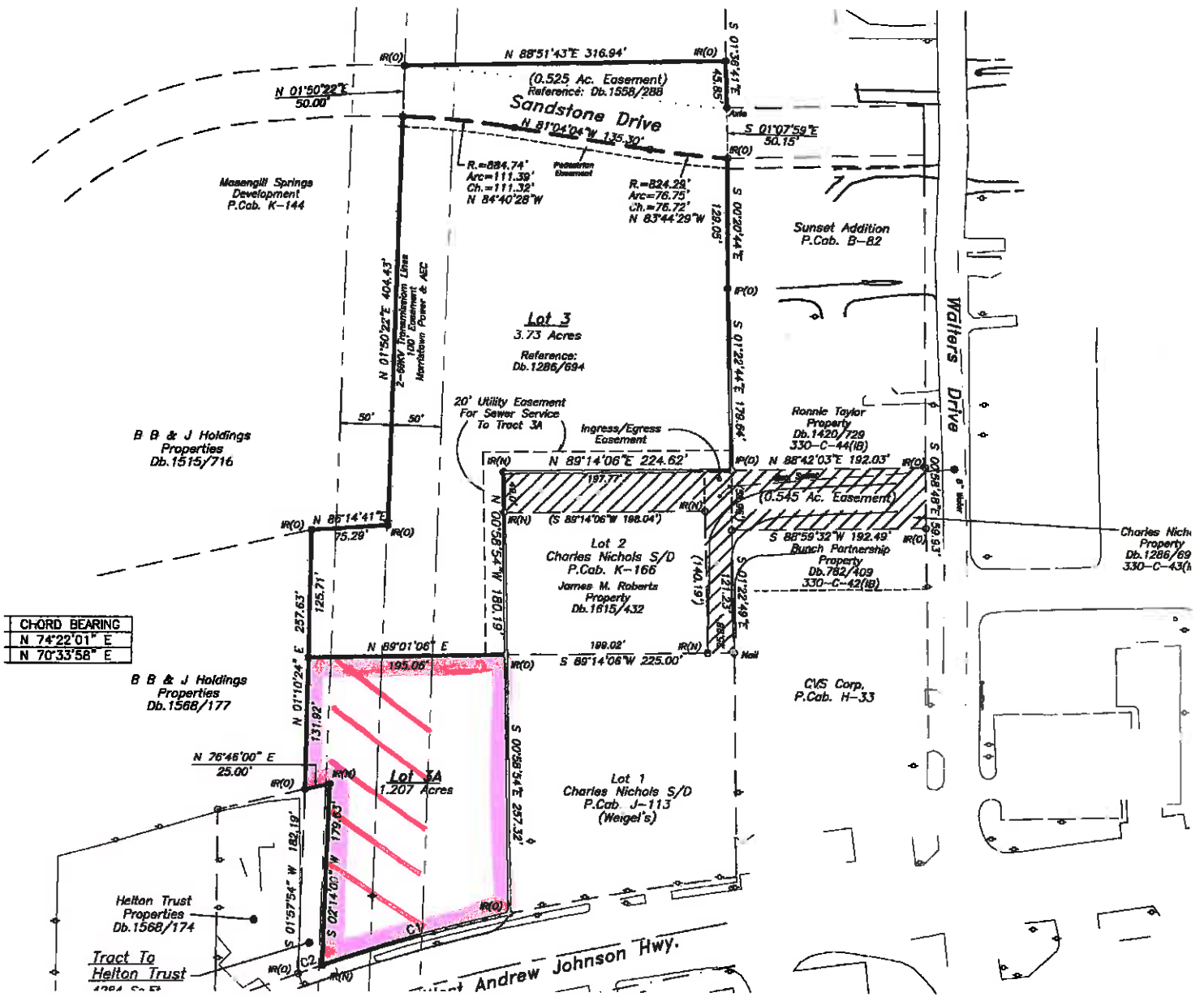
Side yard building setbacks required within a PCD vary dependent on adjacent property uses and zoning. If adjacent to agricultural or residential developments, a 30 foot landscaped setback is required. If adjacent to a public road or if the subject site is to be an interior site within the development, the setbacks vary. In this case, the side building setback required is 15 feet. The applicant shows a distance of 10 feet between the building wall and property line which would normally require a variance of 5 feet. Because of the building design, the applicant has asked for a 7.5 foot variance to ensure, if granted, allowance is made for a moderate overhang of the roofline.

As can be seen in the graphics below, the property has topographic restraints as the west rear of the site has a significant drop in elevation. There is a 100 ft. TVA easement running north/south on the property which greatly impacts design of the site as no structures may be built within this easement.

Given the property limitations, Staff feels the variance as requested would not be unjustified and would recommend to the Planning Commission that it be granted at this time.

BOARD OF ZONING APPEALS OPTIONS -

1. Grant variance as submitted.
2. Grant variance with modification.
3. Deny variance.



\\ = TVA EASEMENT
□ = LOT 3A
 Subdivision Plat showing property

