

MORRISTOWN BOARD OF ZONING APPEALS

AGENDA

February 9, 2016

Call to Order

Invocation/Pledge of Allegiance

Election of Chairman:

I. Approval of the **January 12, 2015** minutes.

II. **Old Business:**

None

III. **New Business:**

A. Use-on-Reviews:

UORV 1650-2015: 3634 E. Andrew Johnson Hwy. to allow a beauty salon in the Heavy Industrial District (HI)

UORV 1654-2016: 913 W. 1st North Street to allow the sell of art/antiques in the Office, Medical and Professional District (OMP)

B. Variances:

C. Interpretations:

D. Appeals:

Adjournment

The next meeting of the Morristown Board of Zoning Appeals is scheduled for March 8, 2016 at 4:00 PM.
The deadline to submit applications for this meeting is February 15, 2015.

Morristown Board of Zoning Appeals
Minutes
January 12, 2016

Members Present

Vice-Chairman Doug Beier
Secretary Bob Garrett
Mayor Gary Chesney
Board Member Jim Beelaert
Board Member Bill Thompson
Board Member Jack Kennerly

Members Absent

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, Chief Building Official

Joseph Greenler
Sandie Greenler

Mr. W. Terry Ball resigned from the Board of Zoning Appeals on January 12, 2016.

I. Approval of the December 8, 2015 minutes.

Mayor Chesney made a motion for approval of the December 8, 2015 minutes be approved; seconded by Board Member Beelaert. Upon voice vote: all eyes.

II. UORV 1648-2015 JW Congregations Support: to allow a place of worship in the (HI) Heavy Industrial District on Tax Map 41F, Group A, Parcel 021.03

Ms. Engle explained this is a use on review request which has been submitted by JW Congregations Support, Inc. in order to construct a place of worship. The site is located on the eastern boundary of Dr. Martin Luther King Jr. Parkway, just to the south of the intersection of Dr. MLK Jr. Parkway and W. Morris Boulevard. The site is about 2 acres and it is currently undeveloped land and is zoned Heavy Industrial (HI). The property is bounded by Heavy Industrial parcels on all sides. The Heavy Industrial zoning classification states that "churches, synagogues, temples and other places of worship" are all uses permitted on review (Section 14-1403). City staff has received no phone calls from adjoining property owners. The staff views the applicant's use of land for a place of worship to be in accordance with the zoning ordinance's provision for religious facilities, one of the additional uses permitted on review that the Board of Zoning Appeals may approve or disapprove.

Board of Zoning Appeals
January 12, 2016
Page 2

Board Member Kennerly made a motion to approve the use on review to allow a place of worship in the Heavy Industrial District (HI) on HCTM 41F, Group A, Parcel 21.03; seconded by Board Member Thompson. Voting results: 6 yes, 0 no. Voting yes were Secretary Garrett, Board Member Beelaert, Board Member Thompson, Board Member Beier, Board Member Kennerly and Mayor Chesney.

There being no other business, the meeting was adjourned.

Respectfully submitted,

Bob Garrett
Secretary

RG/sk

DRAFT



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

TO: Morristown Board of Zoning Appeals
FROM: Logan Engle, Planner
DATE: February 9, 2016 *Yes*
SUBJECT: Use on Review – Tax Map Parcel 025 Parcel 178.00

BACKGROUND:

A Use on Review request has been submitted by Ashley Jolly to operate a beauty salon at 3634 East Andrew Johnson Highway. Ms. Jolly is the prospective tenant of the property, which is owned by Frank and Cathy Southerland. This site is located to the south of East Andrew Johnson Highway and is abutted by the railroad tracks to the rear of the property. The 0.31 acre site currently houses a commercial structure and is zoned Heavy Industrial (HI). The property is bounded by Heavy Industrial parcels on all sides. However, the property on the other side of Highway 11-E is zoned Intermediate Business.

The Heavy Industrial (HI) zoning classification states that “beauty shops/barber shops” are uses permitted on review (Section 14-1403).

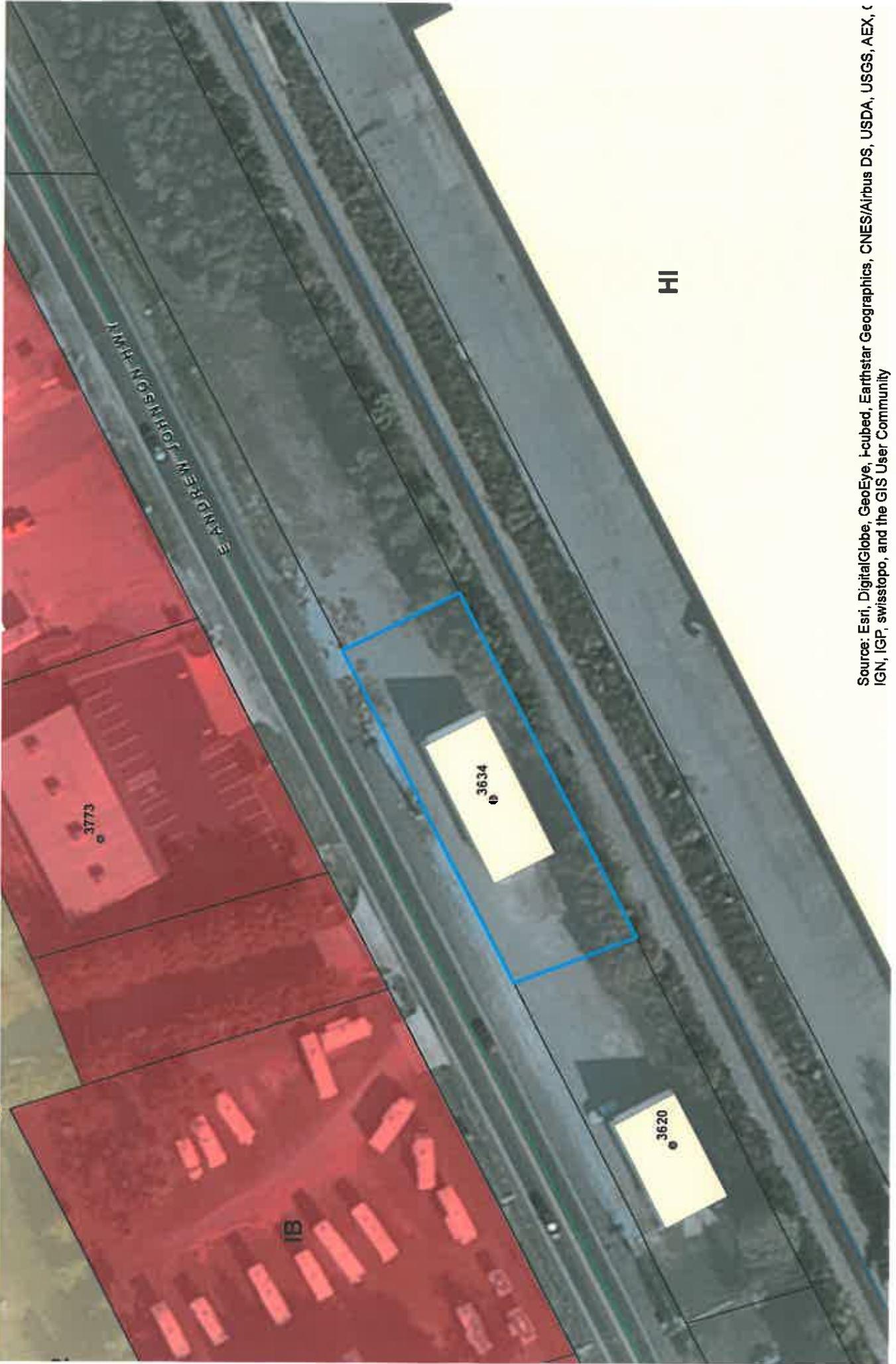
At this time, city staff has received no phone calls from adjoining property owners.

RECOMMENDATION:

Staff views the applicant’s use of the property to be in accordance with the zoning ordinance’s provision for beauty salons, one of the additional uses permitted on review that the Board of Zoning Appeals may approve or disapprove.

OPTIONS:

1. Board may approve the request;
2. Board may deny the request.



HI

Source: Esri, DigitalGlobe, GeoEye, i-cubed, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, IGN, IGP, swisstopo, and the GIS User Community



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: February 9th, 2016
SUBJECT: Interpretation of Uses

The Board of Zoning Appeals has been asked to provide an interpretation of a specific use permitted by right under the City's current Zoning Ordinance. The request, for Interpretation and confines of an 'artists' studio' is being sought for property located at 913 W. 1st North Street. The applicant, Mrs. Delores Maness will represent the property owner which is Lakeview Management, LLC

Located just east of the intersection of N. High Drive with W. 1st North, the property is currently zoned Office, Medical and Professional (OMP). This district provides a transitional buffer between slightly heavier commercial uses downtown and neighboring single family residential areas with allowed used being boarding house, beauty shops, and small scale professional offices and studios to name a few.

The subject property contains a two-story building which fronts W. 1st North Street, each floor being 800 +/- square feet in size. The bottom floor is currently occupied as living quarters with the top floor being vacant. Total lot size is 8,000 square feet. (0.18 acre) All surrounding properties are zoned OMP and include a framing store, home health care office, insurance and attorney's offices.

Mrs. Maness is asking to utilize the second floor (addressed Unit 201) to feature antique restoration techniques and possibly some quilting techniques which would be classified as an 'Artist Studio', a use permitted by right within an OMP District. However, Mrs. Maness is asking also for the ability to sell these antiques on site which is not specifically defined within current Ordinance guidelines.

Staff research of an 'artist's studio' both within those definitions as listed under the NAICP (North American Industry Classification System) and those found in the American Planning Association Dictionary found that sales of the art produced on-site is basically deemed a companion or accessory to that art production. In essence, it is understood that any art produced, can, and will be, sold from the same establishment or location.

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.

Required parking for the existing residence and proposed use would require approximately 3 to 4 spaces which includes one handicapped. There appears to be adequate room to the rear of the building to accommodate the required parking as well as a small loading/unloading area.

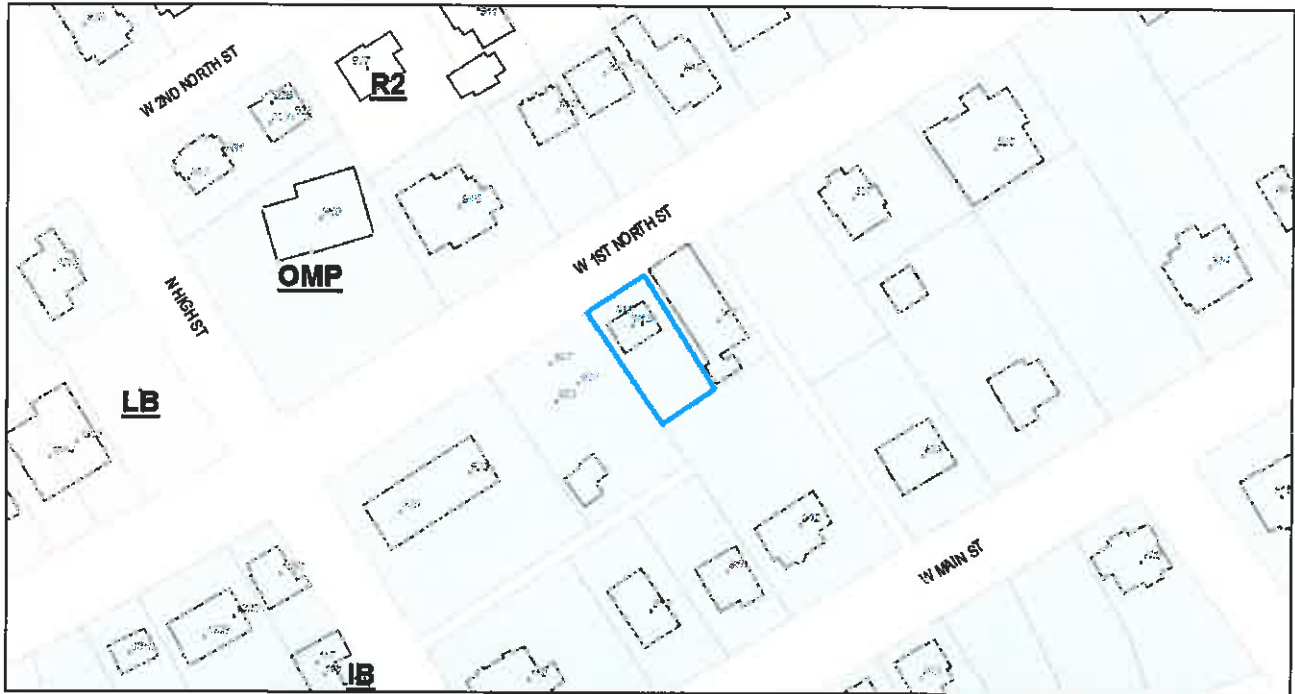
Due to the proposed use having negligible impacts to additional traffic, noise or pollution; and, as the proposed use seems compatible with surrounding properties; and, there exists definitions supported by the American Planning Association and the NAICP with regard to studios both producing and selling their art, Staff would recommend the Board of Zoning Appeal rule in favor of this interpretation. Any enlargement to or variance from the above described business plan would require the applicant come before the Board of Zoning Appeals for another interpretation or a Use on Review Permit.

* Any change of use dictates that the property be in compliance with all other applicable City Code to include both Zoning Regulations and Building Code.

Board of Zoning Appeals Actions:

- 1.) Permit the allowance of art sales to coincide with the permitted use of an artist studio within an OMP District;
- 2.) Permit the allowance of art sales to coincide with the permitted use of an artist studio within an OMP District with conditions;
- 3.) Deny the allowance of art sales to coincide with the permitted use of an artist studio within an OMP District.

Current Zoning of Subject Property



Aerial Photo of Subject Property



Front Elevation



View looking east on W. 1st Street



Rear of building

