

**MORRISTOWN BOARD OF ZONING APPEALS
AGENDA**



September 13, 2016

Call to Order

- I. Annual Meeting
Election of Officers: Chairman, Vice-Chairman, Secretary

- II. Approval of the **August 9th, 2016** minutes

- III. **Old Business:**

- IV. **New Business:**
 - A. **Use-on-Review:**

 - B. **Variances:**
VARI-1972-2016- Front yard setback of 2.44 ft. at 335 Ladysmith Lane

 - C. **Interpretations:**

 - D. **Appeals:**

Adjournment

The next meeting of the Morristown Board of Zoning Appeals is scheduled for October 11, 2016 at 4:00 PM.
The deadline to submit applications for this meeting is September 19, 2016.

Morristown Board of Zoning Appeals

Minutes

August 9, 2016

Members Present

Chairman Doug Beier

Vice-Chairman Jack Kennerly

Mayor Gary Chesney

Board Member Jim Beelaert

Members Absent

Secretary Bob Garrett

Board Member Bill Thompson

Board Member Wanda Neal

Others Present

Lori Matthews, Senior Planner

Logan Engle, Planner

Eual Noah, Fire Marshal

Kat Morilak, Development Services

Ralph "Buddy" Fielder, Asst. City Administrator

Greg Ellison, Chief Building Inspector

Terry Ball

Michael Price

Debra Williams

Michael Parvin

Aaron Woody

Scott Voigt

Rebecca Leach

Chairman Beier called the meeting to order.

Board Member Beelaert discussed the parking area. Planner Lori Matthews explained that the second lot shall only be used for access and not for overflow parking unless they are granted a variance by the Planning Commission. The site plan shows all parking on one parcel. If they use the extra lot it will have to be paved or they will have to get a variance from the Planning Commission for an unpaved lot. Also, parking in the extra lot will result in a violation.

Voting Results: 4 yes, 0 no. Motion carries.

There being no other business, the meeting was adjourned.

Respectfully submitted,

Bob Garrett

Secretary

RG/jc/km



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

TO: Morristown Board of Zoning Appeals
FROM: Logan Engle, Planner *LE*
DATE: September 13, 2016
SUBJECT: Variance – 335 Ladysmith Lane

BACKGROUND:

A variance request has been submitted by Mr. Don Rogers in regard to an existing residential structure located at 335 Ladysmith Lane. The applicant, in the process of purchasing of the home, contracted with a surveyor to provide a survey of the structure and property while completing due diligence prior to close. In doing so, the surveyor found that the structure encroaches into the required front yard setback of 20' by approximately 2.44 feet. Due to the fact that the structure may have been constructed outside the regulations of the zoning ordinance, Mr. Rogers is requesting a front yard setback variance of 2.44 feet to ensure that the structure is in compliance with the current ordinance. The parcel is located in the Lochmere Subdivision, Phase III and is zoned High Density Residential (R-3). It is bounded by R-3 zoned parcels.

The variance request for this property is a front yard setback variance. The front-yard building setback required for R-3 is 20' to the front yard line, in accordance with Section 14-705 of the zoning ordinance. Granting of this variance request would not allow for any additional deviations from the side and rear yard setback restrictions.

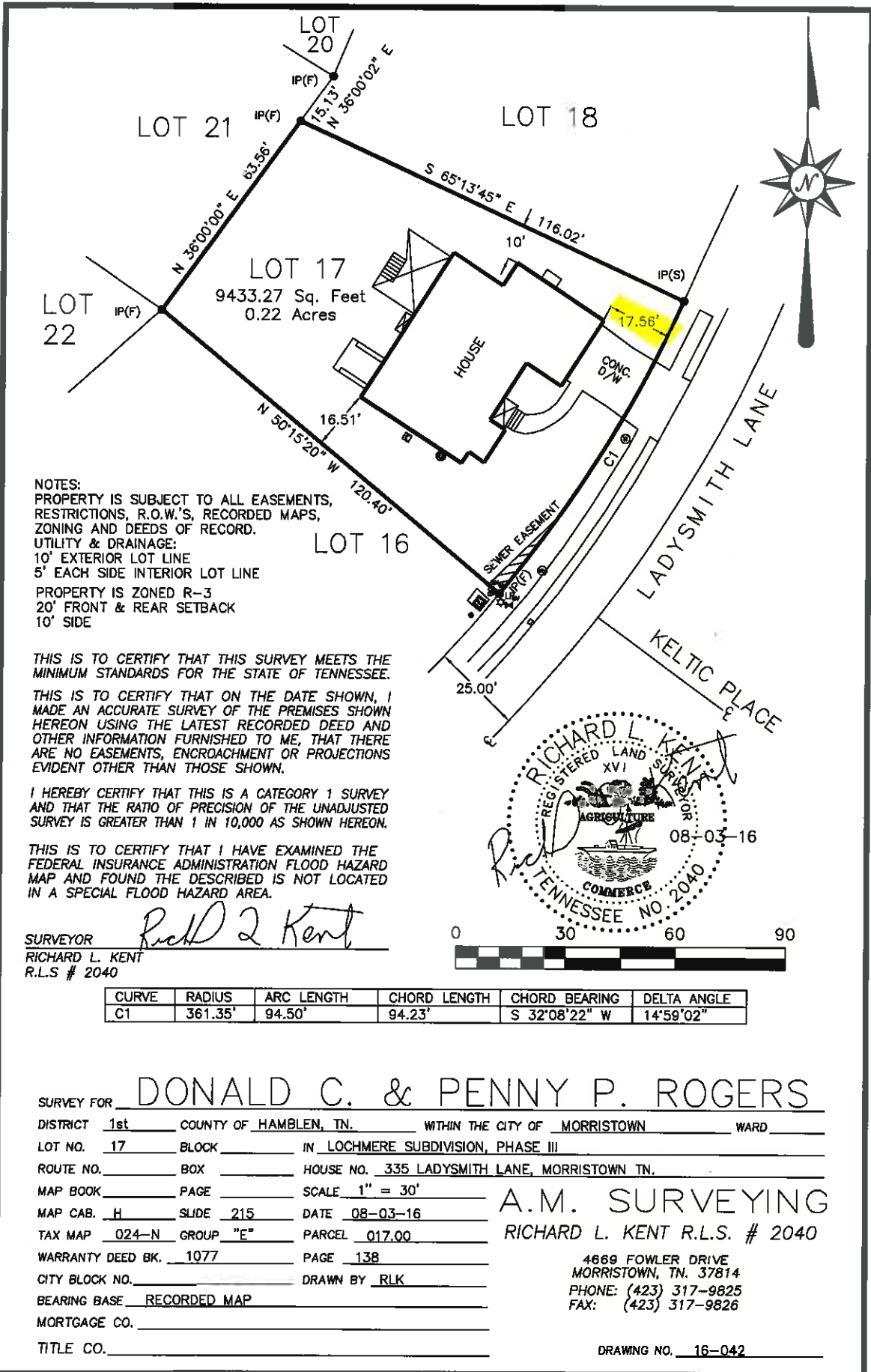
RECOMMENDATION:

As a result of the aforementioned existing situation regarding the location of the home on the property, staff would reason there is an extraordinary situation that could result in a hardship to the property owner and applicant. Staff sees no adverse impact to adjoining property owners with the proposed variance as it is a setback that bounds the right-of-way of Ladysmith Lane.

OPTIONS:

As set forth in Section 13-7-207 of the Tennessee Code, the Morristown Board of Zoning Appeals has the following options:

- (1) Hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, permit, decision, or refusal made by the municipal building commissioner or other administrative official in the carrying out or enforcement of any provision of any ordinance enacted pursuant to this part and part 3 of this chapter;
- (2) Hear and decide, in accordance with the provisions of any such ordinance, requests for special exceptions or for interpretation of the map or for decisions upon other special questions upon which such board is authorized by any such ordinance to pass; and
- (3) Where, by reason of exceptional narrowness, shallowness or shape of a specific piece of property at the time of the enactment of the zoning regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property, the strict application of any regulation enacted under this part and part 3 of this chapter would result in peculiar and exceptional practical difficulties to or exception or undue hardship upon the owner of such property, authorize, upon an appeal relating to the property, a variance from such strict application so as to relieve such difficulties or hardship; provided, that such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zone plan and zoning ordinance.



NOTES:
 PROPERTY IS SUBJECT TO ALL EASEMENTS,
 RESTRICTIONS, R.O.W.'S, RECORDED MAPS,
 ZONING AND DEEDS OF RECORD.
 UTILITY & DRAINAGE:
 10' EXTERIOR LOT LINE
 5' EACH SIDE INTERIOR LOT LINE
 PROPERTY IS ZONED R-3
 20' FRONT & REAR SETBACK
 10' SIDE

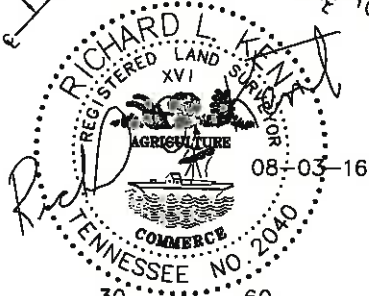
THIS IS TO CERTIFY THAT THIS SURVEY MEETS THE
 MINIMUM STANDARDS FOR THE STATE OF TENNESSEE.

THIS IS TO CERTIFY THAT ON THE DATE SHOWN, I
 MADE AN ACCURATE SURVEY OF THE PREMISES SHOWN
 HEREON USING THE LATEST RECORDED DEED AND
 OTHER INFORMATION FURNISHED TO ME, THAT THERE
 ARE NO EASEMENTS, ENCROACHMENT OR PROJECTIONS
 EVIDENT OTHER THAN THOSE SHOWN.

I HEREBY CERTIFY THAT THIS IS A CATEGORY 1 SURVEY
 AND THAT THE RATIO OF PRECISION OF THE UNADJUSTED
 SURVEY IS GREATER THAN 1 IN 10,000 AS SHOWN HEREON.

THIS IS TO CERTIFY THAT I HAVE EXAMINED THE
 FEDERAL INSURANCE ADMINISTRATION FLOOD HAZARD
 MAP AND FOUND THE DESCRIBED IS NOT LOCATED
 IN A SPECIAL FLOOD HAZARD AREA.

SURVEYOR Richard L. Kent
 RICHARD L. KENT
 R.L.S # 2040



CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	361.35'	94.50'	94.23'	S 32°08'22" W	14°59'02"

SURVEY FOR DONALD C. & PENNY P. ROGERS
 DISTRICT 1st COUNTY OF HAMBLLEN, TN. WITHIN THE CITY OF MORRISTOWN WARD _____
 LOT NO. 17 BLOCK _____ IN LOCHMERE SUBDIVISION, PHASE III
 ROUTE NO. _____ BOX _____ HOUSE NO. 335 LADYSMITH LANE, MORRISTOWN TN.
 MAP BOOK _____ PAGE _____ SCALE 1" = 30'
 MAP CAB. H SLIDE 215 DATE 08-03-16
 TAX MAP 024-N GROUP "E" PARCEL 017.00
 WARRANTY DEED BK. 1077 PAGE 138
 CITY BLOCK NO. _____ DRAWN BY RLK
 BEARING BASE RECORDED MAP
 MORTGAGE CO. _____
 TITLE CO. _____

A.M. SURVEYING
 RICHARD L. KENT R.L.S. # 2040
 4669 FOWLER DRIVE
 MORRISTOWN, TN. 37814
 PHONE: (423) 317-9825
 FAX: (423) 317-9826

DRAWING NO. 16-042