

**MORRISTOWN BOARD OF ZONING APPEALS
AGENDA**



August 9, 2016

Call to Order

I. Approval of the **June 14, 2016** minutes.

II. **Old Business:**

III. **New Business:**

A. Use-on-Review:

4025 East Morris Boulevard to allow a place of worship in a Heavy Industrial (HI) district

B. Variances:

C. Interpretations:

D. Appeals:

Adjournment

The next meeting of the Morristown Board of Zoning Appeals is scheduled for September 13, 2016 at 4:00 PM.
The deadline to submit applications for this meeting is August 15, 2016.

Morristown Board of Zoning Appeals
Minutes
June 14, 2016

Members Present

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

Members Absent

Others Present

Lori Matthews, Senior Planner
Kat Morilak, Development Services
Jim Whitbeck, Engineering
Clint Harrison
Jordan Rios
Charles Mays
Debra Wells

Logan Engle, Planner
Buddy Fielder, Asst. City Admr.
Eual Noah, Fire Marshal
Michele Parvin, Tax Office
Paul LeBel
James Seal

Chairman Beier called the meeting to order.

I. Approval of the February 9, 2016 minutes.

Board Member Thompson made a motion for approval as presented of the February 9, 2016 minutes; seconded by Board Member Beelaert. Upon voice vote: all ayes.

II. UORV 1686-2016. 911 S. Cumberland Street to allow a body shop in the Intermediate Business District (IB)

Ms. Logan Engle explained this request was submitted by Jordan Rios of M & J Body Shop. She explained that they intend to establish an auto repair body shop business. The parcel contains a commercial structure, which was previously a new auto sales lot. The front portion of the business is currently being operated as a used car lot. The rear garage is not being used for auto repair at this time.

The structure appears to have been built for automobile related use. The site is a little over two-thirds of an acre and is zoned Intermediate Business (IB). Ms. Engle explained that the IB zoning classification that it is intended to provide for more intensive commercial activities. In addition, Section 14-1003 of the Zoning Ordinance states that IB allows for automobile repair shops or body shops as a use on review, not permitted by right. At this time, staff has received no complaints or questions regarding the use on review for this property from adjoining property owners in response to the posted sign or letters to adjoining property owners. Staff views the applicant's use of land for an auto repair and body shop to be in accordance with the Zoning Ordinance's provisions, because it is already in auto related use. Staff would recommend approval of this request.

Board Member Bill Thompson made a motion to approve the request, and Mayor Gary Chesney seconded. Voting results: 7 yes, 0 no. Motion passes.

III. UORV 1691-2016: 6672 Archer Circle to allow a duplex in the Intermediate Business District (IB)

Ms. Lori Matthews explained that a special exception request has been received by the Planning Department for property located at 6678 and 6672 Archer Circle. The agent acting on behalf of the property owner is Mr. Paul LeBel. The request is for the use of a residential duplex located in IB or Intermediate Business zone. The City of Morristown annexed this property and the surrounding parcels along West Andrew Johnson in 1994 to bring them all under a holding zoning district designation of single family residential. The annexation ordinance does not reflect housing being located on this property, and most of the properties included in the annexation fronted West Andrew Johnson, so the most logical zoning designation at that time would have been a commercial zone or Intermediate Business.

Ms. Matthews stated that she could not find site plans or building records for the property or for the duplex, which joins it to the north, to determine the exact date of construction. State property records indicate the valuation going up significantly on the property in 1998, which might point to the property being developed at that time.

Structures will be considered legal non-conforming, which if destroyed, would require approval by the BZA to be rebuilt. The owner simply wishes to go through that process now in order to have approval of duplex use for that specific property. As much of this property has been used at least 10 years as a duplex, staff would ask a special exception for use on review permit for residential single family or duplex use be granted to allow the use to continue by right. Ms. Matthews clarified that they did send out adjoining property letters to all of the surrounding property owners, of whom Mr. Cantwell called to ask what exactly was being proposed. His remarks reflected that he had lived there for about 30 years, and that there has been in past years some negative vibes about the types of families living the duplexes. Mr. Cantwell didn't really indicate if he was in favor or against the request. Staff recommends BZA grant the special exception.

Mayor Gary Chesney made a motion to approve the request, Vice-Chairman Jack Kennerly seconded that motion.

Voting results: 7 yes, 0 no. Motion passes.

There being no other business, the meeting was adjourned.

Respectfully submitted,

Bob Garrett
Secretary

RG/eh/km



Department of Community Development
100 West 1st North Street
Morristown, TN 37814
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TO: Morristown Board of Zoning Appeals
FROM: Lori Matthews, Senior Planner
DATE: August 9th, 2016
SUBJECT: Use on Review
Church Permitted Within Heavy Industrial District

REQUEST -

A request has been received by the Planning Department by Whitt Lawrence Evangelical Association/Church of the Redeemed to locate a church within an HI (Heavy Industrial) zoning district. The lots are located between mini-storage warehousing and the Consumer Credit Union Bank across from the Co-op site on E. Morris Boulevard. Mr. Michael Price will be representing the project.

A site plan has been submitted for Staff review and approval for this change in use shows a 150 seat sanctuary with a 20 seat choir area to be housed within that building closest to E. Morris with business offices to be located along the building to the rear of the lot.

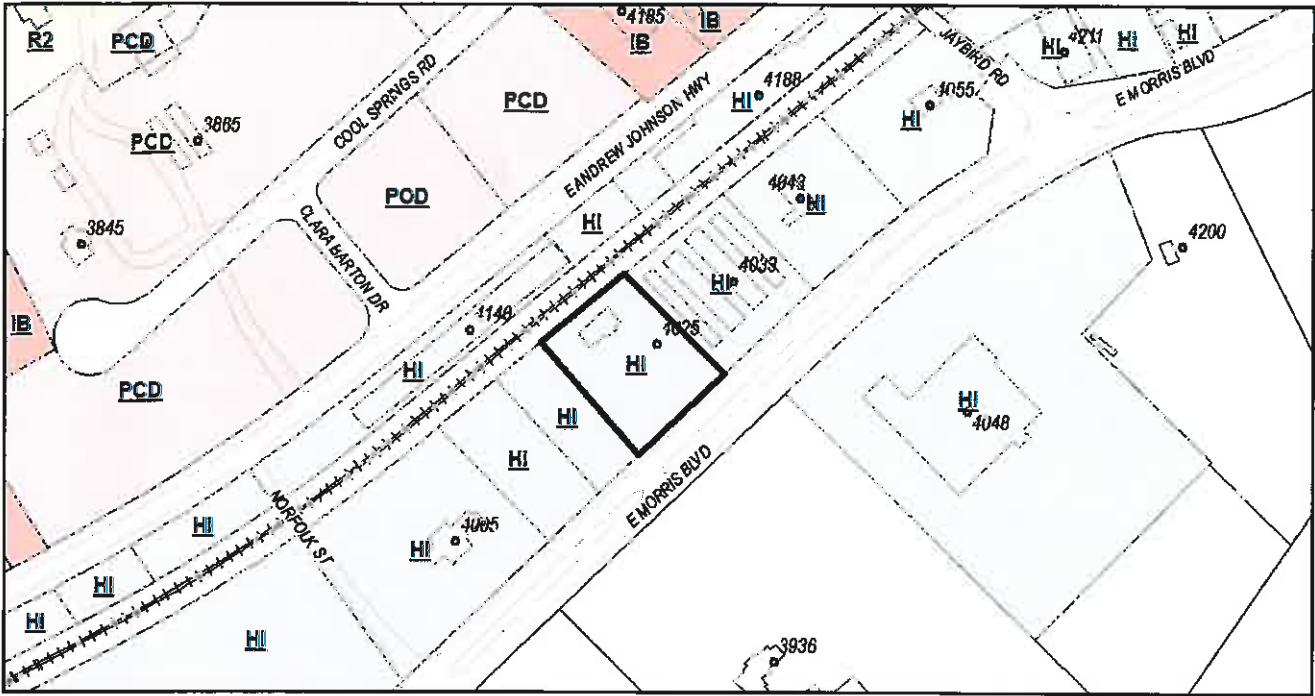
Recently this site has been used for a sports retail and storage center and prior to that (circa 2007), it housed a telecommunications (fibernet) business.



2007 / 2015

Sanctuaries and places of worship are allowed uses within Heavy Industrial designated zones with Board of Zoning Appeal approval.

The site is bounded to the east, west and north by ministorage warehousing, a bank and metal fabricators, all zoned HI (Heavy Industrial). The Cocke County Farmers Co-op across E. Morris Blvd. is also zoned Heavy Industrial, the remainder of the properties to the south are not in the corporate limits.



Churches and likewise type land uses have traditionally been located within residential and Central Business District zoned regions as opposed to being located along busy major thoroughfares. Major arterials can become congested due to large numbers of vehicles leaving or entering a site. Being located along major corridors also restricts commercial development as many cities have requirements which dictate distances between churches and pain clinics, alcohol establishments, etc.

Current City of Morristown regulations require all places of worship go through a use on review process, none are allowed by right in any district.



Staff does not object this use on review request but would ask the Board of Zoning Appeals, if granted, that it be granted subject to an approved site plan.

BOARD OF ZONING APPEALS OPTIONS:

- 1.) Grant Use on Review as submitted;
- 2.) Deny Use on Review.
- 3.) Grant Use on Review with changes.