

**MORRISTOWN BOARD OF ZONING APPEALS  
AGENDA  
January 10, 2017**



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**Call to Order**

I. Approval of November 8th, 2016 minutes

II. Old Business: none

III. New Business:

A. Use-on-Review:

UORV-2010-2016: Oakes Salvage – Request to allow building material yards in IB

UORV-2014-2016: 1040 Buffalo Trail – Request to allow auto detailing shop in LI

B. Variances:

VARI-2016-2017: Parke Villas request for 2 buildings on 1 lot

C. Interpretations:

**Adjournment**

The next meeting of the Morristown Board of Zoning Appeals is scheduled for February 14th, 2017 at 4:00 PM. The deadline to submit applications for this meeting is January 19th, 2017.

# Morristown Board of Zoning Appeals

## Minutes

November 8, 2016

### Members Present

Board Member Bill Thompson

Chairman Doug Beier

Vice Chairman Jack Kennerly

Board Member Wanda Neal

Mayor Gary Chesney

### Others Present

Lori Matthews, Senior Planner

Logan Engle, Planner

Ralph "Buddy" Fielder, Asst. City Administrator

Steve Neilson, Planning Director

Kat Morilak, Development Services

Eual Noah, Fire Marshall

Christopher Simmons

Robert Davis

T. Phillip Carlyle

Chairman Doug Beier called the meeting to order and invited anyone who wished to join the Commission in an Invocation and the Pledge of Allegiance to do so.

### **I. Chairman Beier called for the approval of the October 11, 2016 minutes.**

Mayor Chesney made a motion for approval of the October 11, 2016 minutes; seconded by Board Member Thompson. Upon all voice votes, all Ayes.

### **II. Old Business: None**

### **III. New Business:**

#### **A. Uses-on-Review:**

#### **B. Variances:**

#### **VARI-1999-2016: 209 West 2<sup>nd</sup> North Street – Request for side yard setback**

Planner Logan Engle discussed the variance request submitted by Mr. Chris Simmons in regard to the placement of an existing residential structure, which is the First Presbyterian Church Manse, on a property located at 209 West 2<sup>nd</sup> North Street. The applicant plans to move the home from the church property to this parcel in the following weeks.

The parcel is zoned Medium Density Residential (R-2). It is bounded by (R-2) zoned parcels to the west. The eastern-adjacent telephone building property, which Mr. Simmons owns, is zoned Central Business District (CBD).

The variance request for this property is a side setback variance. The side-yard building setback required for the (R-2) zone is fifteen feet to the side yard line for houses two stories in height, in accordance with Section 14-507 of the zoning ordinance. Granting of this variance request would not allow for any additional deviations from the setback restrictions.

It is important to note that this property became vacant as a result of a demolition of an existing home. The footprint of the previous residence did not conform to the zoning ordinance and had a western side setback of approximately eleven feet. In addition, many of the homes along West 2<sup>nd</sup> North Street are nonconforming to the zoning ordinance due to changes in zoning requirements and setback guidelines since the homes were initially constructed. For example, the adjacent home (215 West 2<sup>nd</sup> North Street) has side yard setbacks on either side between ten and eleven feet. Staff believes that the granting of this variance will be in keeping with the character of the neighborhood.

Due to the desire to preserve the nature of the existing neighborhood and to ensure appropriate placement of the home, staff would recommend that the Board of Zoning Appeals grant the requested side setback variance subject to the recording of the aforementioned subdivision plat.

Vice Chairman Kennerly made a motion to approve the side-yard setback variance; seconded by Mayor Chesney.

Voting Results: 6 yes, 0 no. Motion carries.

There being no further business, the meeting was adjourned.

Respectfully Submitted,

Rose Parella

Secretary

RP/jc

# City of Morristown

Incorporated 1855

DEPARTMENT OF COMMUNITY DEVELOPMENT & PLANNING



TO: Morristown Board of Zoning Appeals  
FROM: Steve Neilson, Planning Director  
DATE: January 10, 2017  
SUBJECT: Use Permitted on Review – 171 Algonquin Drive  
(H.C. Tax Parcel ID # 032 042A L 01800 000 2017).

## **BACKGROUND:**

A request has been received for a Use Permitted on Review for property located at 171 Algonquin Drive. The applicant, Tim Oakes is proposing to expand the existing building material yard (Oakes Salvage) on the vacant property to the rear. The property is currently zoned IB (Intermediate Business).

Building material yards are allowed as a Use Permitted on Review in the IB District (Section 14-1003) provided it meets the following conditions:

- a. The storage yard shall be screened from all residential uses and districts with a fence a minimum six (6) foot tall. The fencing may be wood, brick, or other material that is at least 75 percent opaque.
- b. The property shall have access from a collector or arterial street.

The applicant is proposing to construct a solid ten (10) foot tall fence along the residential property to the east and along Algonquin Drive. Algonquin Drive is classified as a collector street. Staff finds that the applicant meets the conditions under Section 14-1003.





**RECOMMENDATION:**

The proposed request meets the conditions under Section 14-1003 and Staff recommends approval.

ArcGIS ▾ Morristown Base Map

Details

Basemap



**BOARD OF ZONING APPEALS APPLICATION**  
City of Morristown

Prior to a **variance or use on review** request being placed on the Board of Zoning Appeals Agenda, the applicant must furnish to the Department of Community Development and Planning the following information:

1. **Date:** 12/14/16
2. **Name of Property Owner:** Tim F. Oakes  
**Mailing Address:** 5030 McGinnis Rd. City/State/Zip MORRISTOWN, TN, 37814  
**Telephone:** (Home) 423-587-5206 (Business) 423-587-3068 (Mobile) 423-312-7880
3. **Name of Applicant:** Tim F. Oakes  
**Mailing Address:** 5030 McGinnis Rd. City/State/Zip MORRISTOWN, TN, 37814  
**Telephone:** (Home) 423-587-5206 (Business) 423-587-3068 (Mobile) 423-312-7880
4. **Name of Agent (third party):** \_\_\_\_\_  
**Mailing Address:** \_\_\_\_\_ City/State/Zip \_\_\_\_\_  
**Telephone:** (Home) \_\_\_\_\_ (Business) \_\_\_\_\_ (Mobile) \_\_\_\_\_
5. **Property information:** Street Address: \_\_\_\_\_  
County Tax Map: 42A Group: K Parcel(s) 35.00 1.11 Acre  
Current zoning: IB Parcel size: 1.11  City/U.G.B. \_\_\_\_\_  
Existing Use: Building Material Storage Proposed Use: Building Material Storage
6. **Nature of Request:** (please circle)  
 a) Use on review (\$50.00 Fee)  
b) Variance (\$50.00 Fee) • Amount/type of variance requested: \_\_\_\_\_  
Reason for request: (1) property shape (2) topographic conditions (3) Other: \_\_\_\_\_  
c) Appeal \_\_\_\_\_  
d) Other Requests: \_\_\_\_\_
7. List name and addresses of **adjacent property owner(s)** that would be affected by request (reverse side).
8. Submit site plans, surveys, special fees or other items as required for review by City staff and Board of Zoning Appeals members.
9. **Applicant Signature:** Tim F. Oakes **Date:** 12/14/16

This application will not be accepted unless all information is complete. If a question is not applicable, please draw a line through the space provided or mark "n/a" (not applicable).



# City of Morristown

Incorporated 1855

DEPARTMENT OF COMMUNITY DEVELOPMENT & PLANNING



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TO: Morristown Board of Zoning Appeals  
FROM: Lori Matthews, Senior Planner  
DATE: January 10th, 2017  
SUBJECT: Use on Review Request  
Automotive Detail Business within LI (Light Industrial) District

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## **REQUEST -**

A request has been received from Mr. Eddie Howard on behalf of property owner Mr. J. R. Tipton for his property located at 1040 Buffalo Trail. The property, zoned Light Industrial (LI), is located at the intersection of Carriger Street and Buffalo Trail in north Morristown.

There currently exist two buildings on this 1 acre tract which has vehicular access off of both Buffalo Trail and Carriger Streets. The primary structure which fronts Buffalo Trail has been used for various businesses in the past to include an automotive towing business and crafts store. A recent Staff site visit revealed the accessory structure along the north side of the property to house an herbal/vitamin retail business. The rear of the property which adjoins a residential district is being used for storage of automobiles for the towing business.

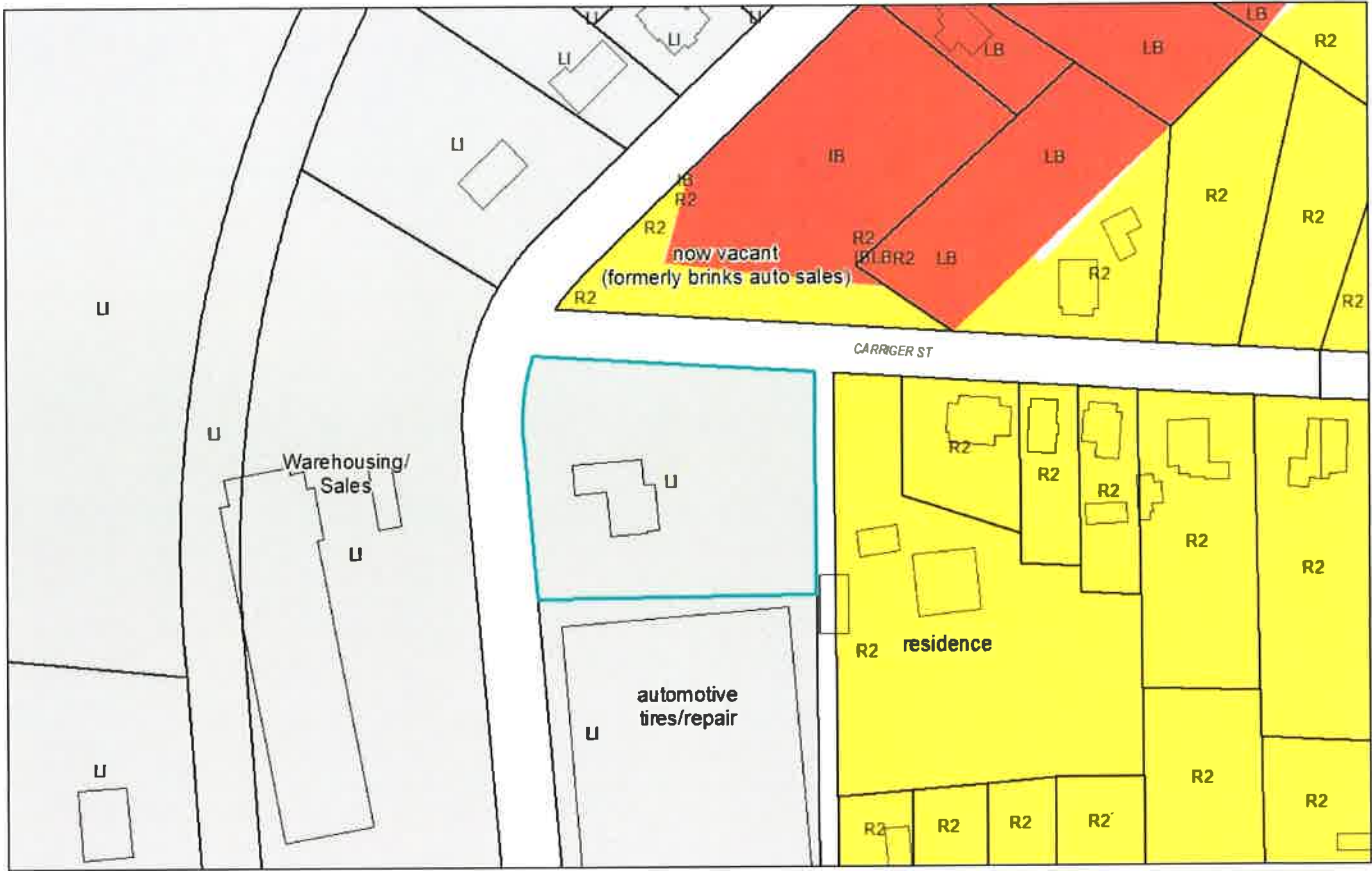
Zoning which surrounds the property is predominantly light industrial (LI) with commercial (IB) to the north of the site and residential zoning (R2) to the east.

As recently as this past year, there was in operation an automotive detail business at this location but it had not received any approvals from the Zoning Appeals Board. Since that time, another lessor of the property has engaged in the same type of land use but was not aware of the required approval process. He now seeks approval for an automotive detailing business so that his business may be in compliance with City Codes.

As the intended use has in the past been an active use on sight, albeit not an approved use, Staff had not received complaints of negative impacts generated from the former carwash/detailing use by any of the surrounding properties and sees this as a lower impact use than the use which is currently on-site, that of automobile towing. As the Zoning Ordinance states that changes in use with regard to parking standards must submit a site plan, Staff would recommend approval of this use on review request pursuant to the applicant/property owner providing a sketch of the property showing vehicular movement throughout the site, the automobile storage area(s) and parking for each use.

## **BOARD OF ZONING APPEALS OPTIONS:**

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





# City of Morristown

Incorporated 1855

DEPARTMENT OF COMMUNITY DEVELOPMENT & PLANNING



TO: Morristown Board of Zoning Appeals  
FROM: Lori Matthews, Senior Planner *LM*  
DATE: January 10th, 2017  
SUBJECT: Variance Request  
Multiple Buildings on One Lot

## REQUEST -

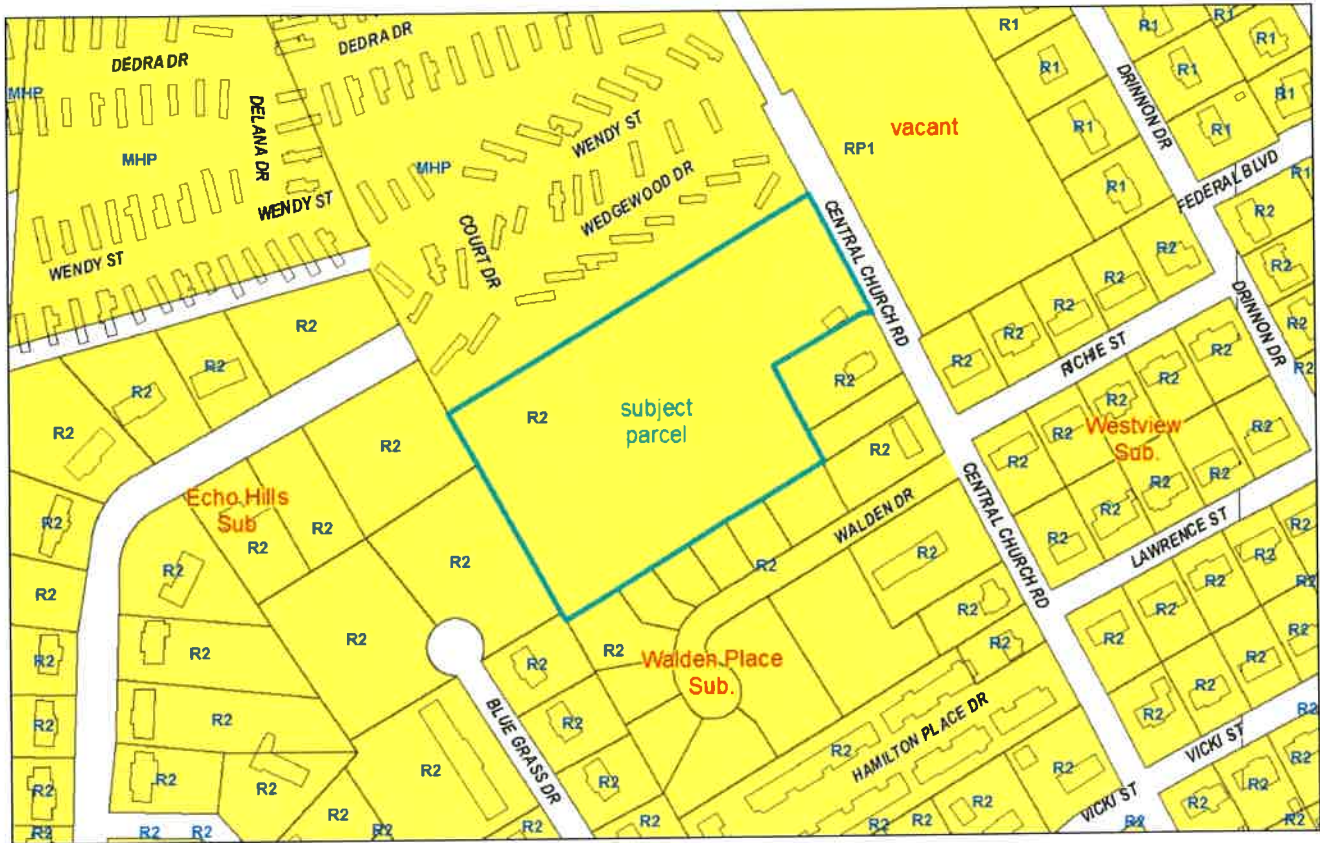
A request has been received from Mr. Phillip Carlyle for his property located along the west side of Central Church Road. His request is to vary from Section 14-209, (One Principal Building per Parcel), of the Zoning Ordinance which states the following:

"... Only one principal building and its accessory buildings may be erected hereafter on any lot. In the Residence Districts, any dwelling shall be deemed to be the principal building on the lot on which the same is situated, except rear dwellings as provided in Section 14-214. ... "

The applicant is currently going through the site plan review process for a multi-family residential planned unit development to consist of 63 two-story townhouse style units on one 6 acre parcel. Access to the site will be a private driveway off of Central Church Road. No public street is to be constructed or maintained for this development.

Zoned R-2 (Medium Density Residential), the proposed site and its zoning designation is compatible with surrounding properties as both sides of Central Church have been developed for residential use. Walden Place Subdivision, a mixed single and multi-family development sits to the south, Westside Mobile Home Park (100 +/- homes) adjoins to the north and single family residential subdivisions, Echo Hills and Westview adjoin this site to the west and east respectively.





As the whole of the development is to remain private with no public infrastructure to be constructed or maintained; and all living quarters will be occupied as rental units exclusively, Staff would recommend approval of the variance as requested for construction of multiple buildings on one lot. Were any of the townhomes to be sold in the future, they would have to meet all applicable requirements with regard to local, State and Federal laws to include the Tennessee Horizontal Properties Act.

**BOARD OF ZONING APPEALS OPTIONS:**

- 1.) Grant variance;
- 2.) Grant variance with changes;
- 3.) Deny variance.

