

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



Call to Order

I. Election of Officers

II. Approval of March 14th, 2017 minutes

III. Old Business: none

IV. New Business:

A. Use-on-Review:

UORV-2043-2017:171 Algonquin Drive to allow multiple buildings on 1 lot

B. Variances:

Vari-2040-2017: Merchants Greene Blvd. Texas Roadhouse landscape regulations

VARI-2041-2017: 4327/4329 W. Andrew Johnson Hwy. dumpster screening

C. Interpretations: none

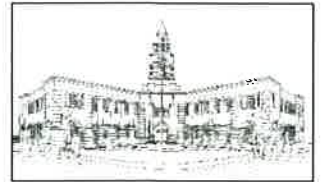
Adjournment

The next meeting of the Morristown Board of Zoning Appeals is scheduled for May 9th, 2017 at 4:00 PM. The deadline to submit applications for this meeting is April 17th, 2017.

City of Morristown

Incorporated 1855

DEPARTMENT OF COMMUNITY DEVELOPMENT & PLANNING



TO: Morristown Board of Zoning Appeals
FROM: Steve Neilson, Planning Director *SN*
DATE: April 11, 2017
SUBJECT: Use Permitted on Review – 171 Algonquin Drive (2043-2017)
(H.C. Tax Parcel ID # 032 042A K 035.00 2017).

BACKGROUND:

A request has been received for a Use Permitted on Review for Oakes Salvage located at 171 Algonquin Drive. The applicant, Tim Oakes is proposing a PUD for a multiple building development. The property is currently zoned IB (Intermediate Business).

The Board will recall that the applicant came before the BZA at its January 10th meeting for a Use on Review for a "Building Material Yard" at this location. The applicant received approval to store and sell building materials on the vacant property in the rear of his existing business at 171 Algonquin Drive. The applicant constructed a solid 10 foot tall fence around the property. The applicant is now requesting approval to construct two buildings on the property. The applicant is now proposing to construct a 6,400 square foot enclosed building and a 4,800 square foot shed.





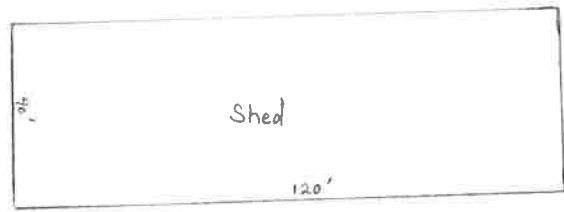
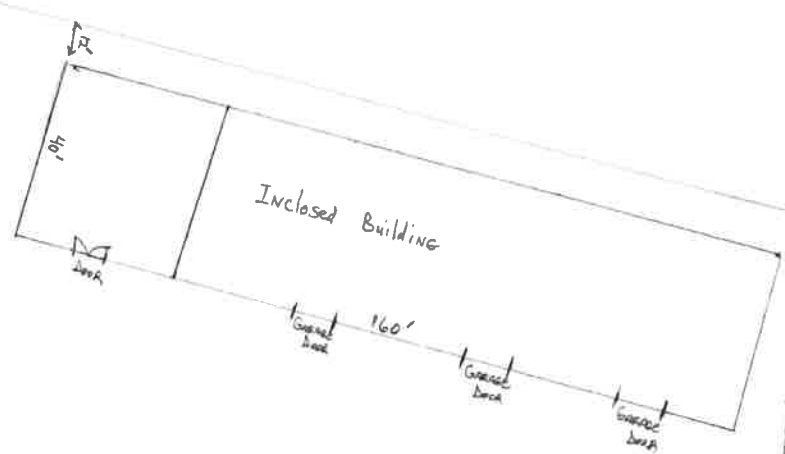
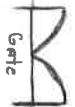
RECOMMENDATION:

The proposed development meets the city site plan requirements and staff recommends approval of this request.

Driveway



Fence



ALGONQUIN

Peck Ave

City of Morristown

Incorporated 1855

DEPARTMENT OF COMMUNITY DEVELOPMENT & PLANNING



TO: Morristown Board of Zoning Appeals
FROM: Steve Neilson, Planning Director *SN*
DATE: April 11, 2017
SUBJECT: Variance – Merchants Greene Ph. 1, 4327 and 4329 W. Andrew Johnson Hwy (2041-2017)

BACKGROUND:

A request has been received for a variance to the Section 14-3304.F.1.b. and c. of the Landscape Regulations requiring all four sides of the dumpster being screened. The property is currently zoned IB (Intermediate Business).



Merchants Greene Ph. 1, 4327 and 4329 W. Andrew Johnson Hwy

The dumpsters which are in the rear of the property are screened on three sides. The openings to the dumpster enclosures face the rear of the building and cannot be seen from the street or from the rear of the property.

The original site plan for development was approved in September, 2015. At that time, the developer identified the location of the proposed dumpster and provided a detail of the proposed 7 foot tall screening around the dumpster including a gate. The project is now complete, and the petitioner is now requesting a certificate of occupancy. Although the petitioner screened three sides of the dumpster, they did not install the gate as showed on their approved site plan.

Section 14-3304.F.1 states:

F.1. Dumpsters

Dumpsters shall be screened in the following manner:

- a. Screening shall be a minimum height of 6 feet.
- b. All four sides of the dumpster shall be screened.
- c. The screen should incorporate access to the dumpster by using a wood fence or other opaque device to serve as a gate.
- d. Screening materials can be any combination of evergreen plantings, wood, composite, or masonry material.

In order to grant a variance, the Board of Zoning Appeals must find that there is some unique feature or characteristic of the property such as exceptional narrowness, unique shape of a specific piece of property, exceptional topographic conditions or other extraordinary or exceptional situation of a piece of property, that the strict application of the provisions of this ordinance would result in practical difficulties to or undue hardship upon the owner of such property. Staff finds that there are no unique circumstances or practical difficulties on the property which create an undue hardship to the property owners to justify a variance to the city's requirements.

RECOMMENDATION:

The staff recommends denial of the proposed variance request.

Sec. 14-2004. POWERS

a. Variance

To hear and decide applications for variance from the terms of this ordinance but only where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property, which at the time of adoption of this ordinance, was a lot of record; or where, by reason of exceptional topographic conditions or other extraordinary or exceptional situation of a piece of property, the hardship upon the owner of such property, provided that such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this ordinance. In granting a variance, the BZA may attach thereto such conditions regarding the location, character and other features of the proposed building, structure or use as it may deem advisable in furtherance of the purposes of this ordinance.

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:** 03-20-2017

2. **Name of Property Owner:** Merchants Greene Partners
Mailing Address: PO Box 1757 City/State/Zip Morristown, TN 37816
Telephone: (Home) 423.587.0638 (Business) _____ (Mobile) _____

3. **Name of Applicant:** same
Mailing Address: _____ City/State/Zip _____
Telephone: (Home) _____ (Business) _____ (Mobile) _____

4. **Name of Agent (third party):** T. Clint Harrison, P.E.
Mailing Address: 5123 Bethesda Rd. City/State/Zip Morristown, TN 37814
Telephone: (Home) 423.277.1112 (Business) _____ (Mobile) _____

5. **Property information:** Street Address: 4327 and 4329 West AJ Hwy
County Tax Map: 040 Group: _____ Parcel(s) 30.06
Current zoning: I.B. Parcel size: 3.27 ac City/U.G.B. City
Existing Use: Retail Proposed Use: Retail

6. **Nature of Request:** (please circle)
a) Use on review (\$50.00 Fee)
XXX b) Variance (\$50.00 Fee) - Amount/type of variance requested: Landscape adjustment at Dumpsters
Reason for request: (1) property shape (2) topographic conditions (3) Other: 3- Buildings act as buffer
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:** T. Clint Harrison **Date:** 03-20-2017

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).

US HWY 1E (S.R. 34)
1450 ROW

CONTRACT NAME	INVOICE NUMBER
PROJECT NUMBER	DATE
OWNER	DRAWN BY
DATE	CHECKED BY
DRAWN	DATE
CHECKED	DATE

STORMWATER
 1. THE DRAINAGE
 AREA OF THIS PROJECT IS
 1.1 ACROSS FROM THE
 PROPERTY LINE TO THE
 STREET OR TO THE CENTER
 LINE OF THE ROAD, WHICHEVER IS
 MORE BENEFICIAL TO THE
 ADJACENT PROPERTY.
 2. THE DRAINAGE
 AREA OF THIS PROJECT IS
 1.1 ACROSS FROM THE
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ITEM	DESCRIPTION	AMOUNT
1
2
3
4
5
6
7
8
9
10

SECTION STORM SEWER SIZES

Station	From	To	Material	Length (ft)
C10+1	210.00	220.00	12"	10.00
C10+1	220.00	230.00	12"	10.00
C10+1	230.00	240.00	12"	10.00
C10+1	240.00	250.00	12"	10.00
C10+1	250.00	260.00	12"	10.00
C10+1	260.00	270.00	12"	10.00
C10+1	270.00	280.00	12"	10.00
C10+1	280.00	290.00	12"	10.00
C10+1	290.00	300.00	12"	10.00

4.5-ROW 7' STORM SEWER SIZES

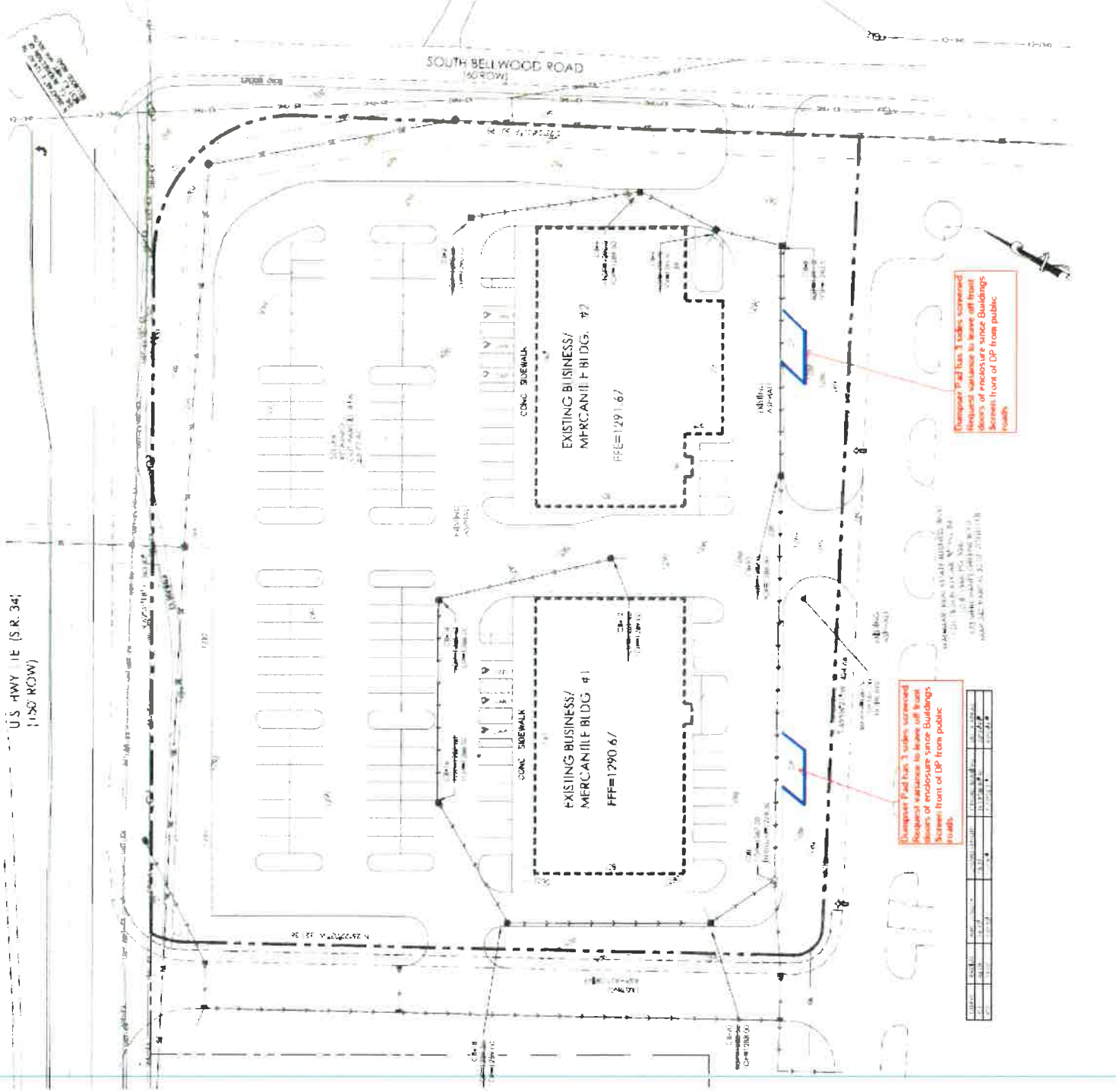
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C10+1	280.00	290.00	12"	10.00
C10+1	290.00	300.00	12"	10.00

NOE NOTES
 1. ADEQUATE DRAINAGE
 EXISTENCE AND SEDIMENT
 MANAGEMENT FACILITIES
 AND/OR OTHER WATER QUALITY
 CONTROL MEASURES TO
 PROTECT THE ADJACENT
 PROPERTY SHALL BE THE
 RESPONSIBILITY OF THE
 CONTRACTOR AND/OR
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Dumpster Pad from 3' utility screened
 Request variance to leave off front
 screens of enclosure since Buildings
 Screen front of DP from public
 roads.

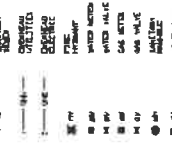
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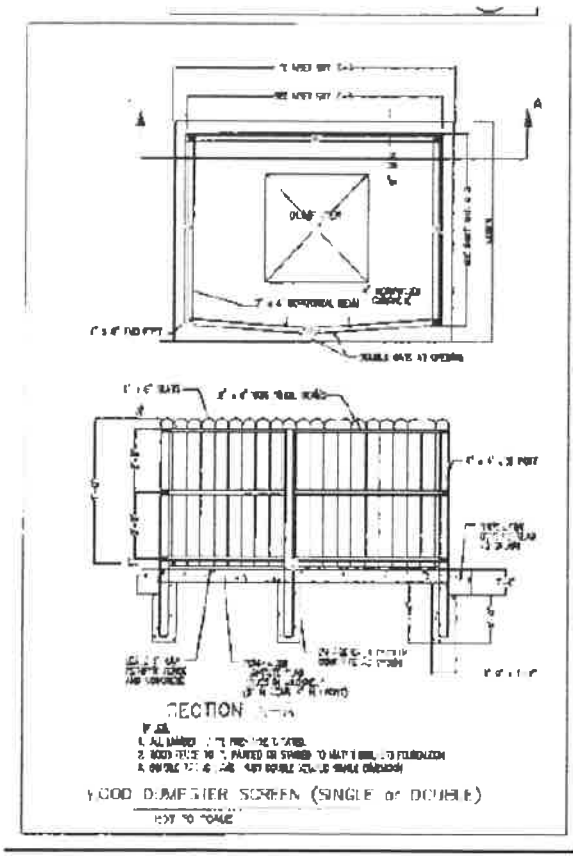
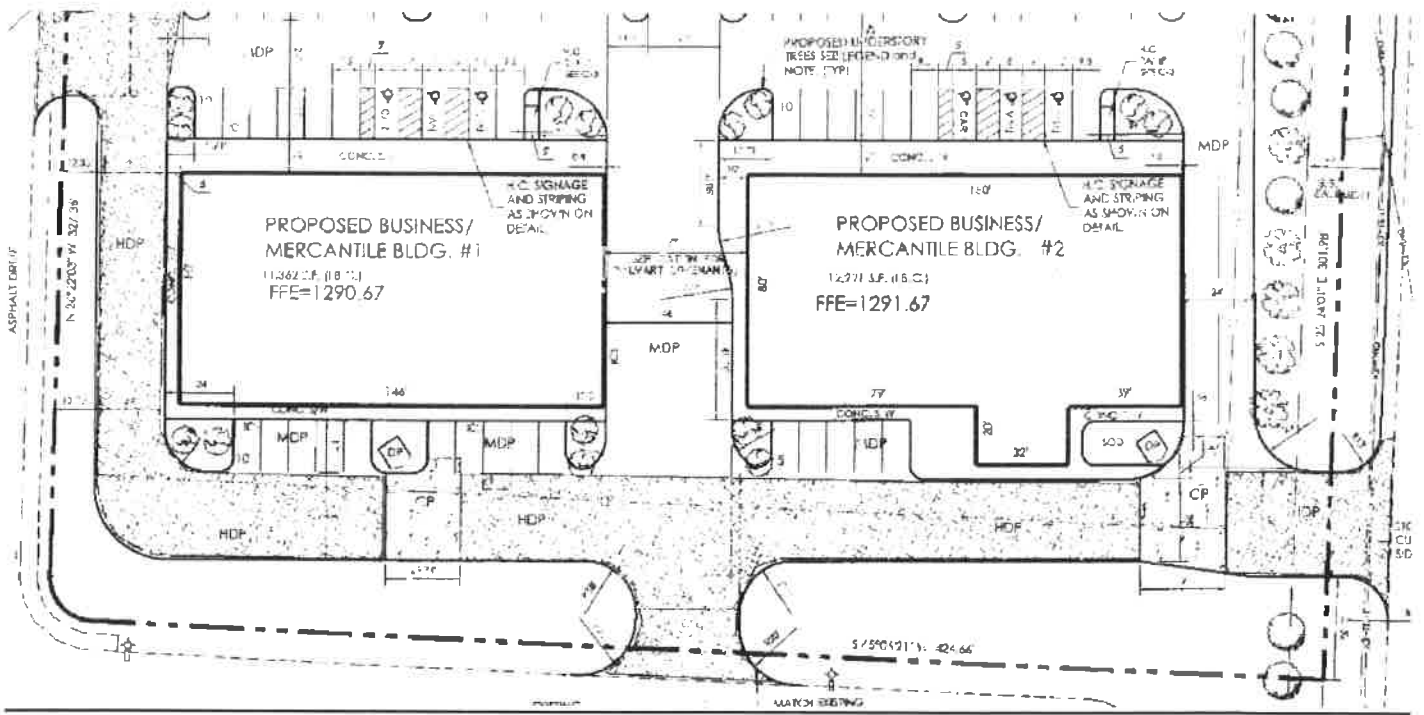
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1
2

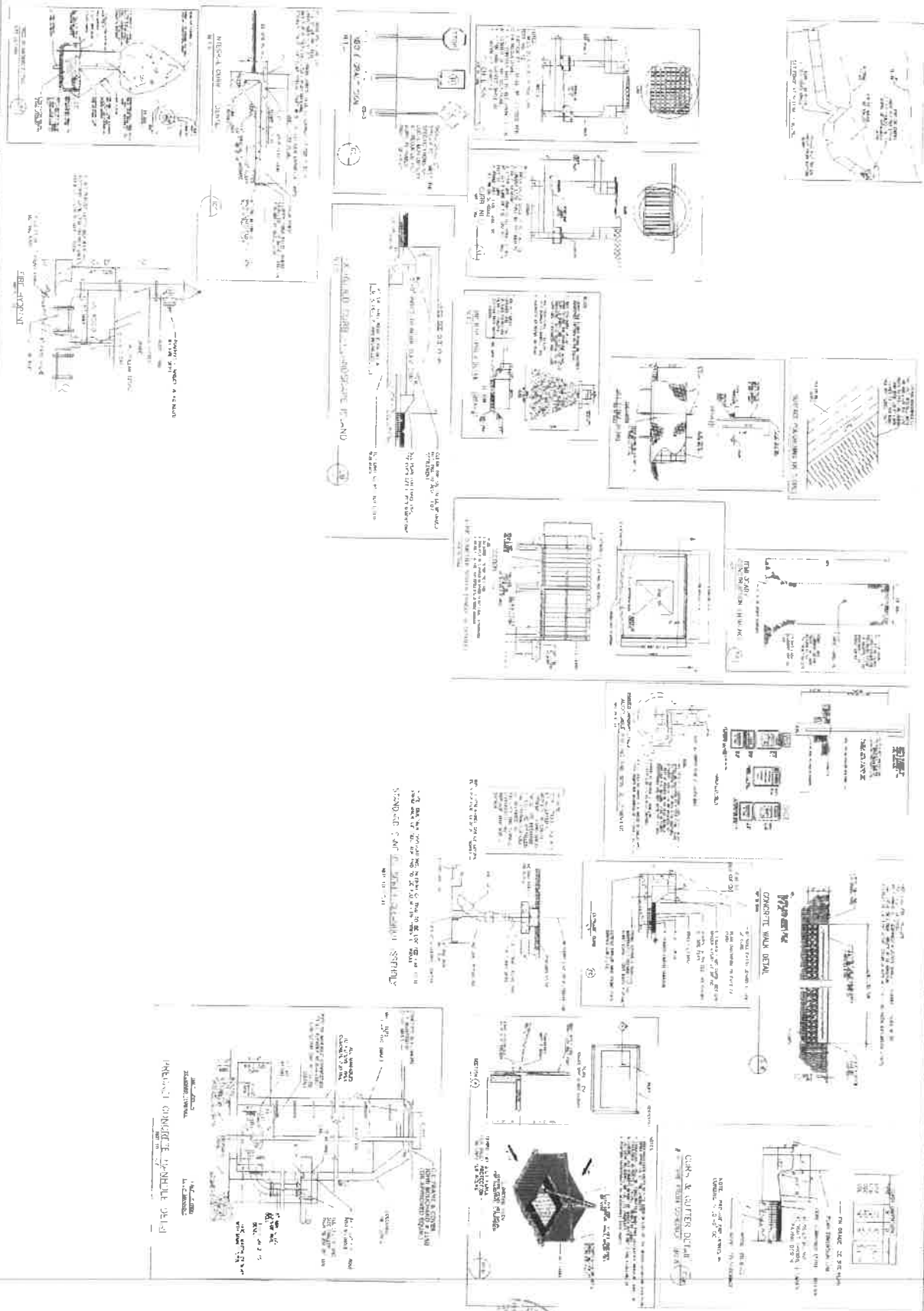
IRVEYING
 INC. P.O. BOX 2040
 2100 W. 17TH ST.
 DENVER, CO 80202
 (303) 733-2888

BY ALL CONDITIONS
 I, DAVID HALL-MART,
 STATE ENGINEER,
 DO HEREBY CERTIFY THAT
 THIS PLAN COMPLETES
 THE REQUIREMENTS
 OF THE DRAINAGE
 ACT AND THE
 RULES AND REGULATIONS
 OF THE BOARD OF
 STATE ENGINEERS
 AND ARCHITECTS.

JUN 11 2014
 STATE ENGINEER
 DAVID HALL-MART







A NEW COMMERCIAL SITE PLAN FOR:
MERCHANTS GREEN OUTLOT #1

431 E. 431 WEST AV. HIGHWAY 11
 0.4 ACRE MERCHANTS GREENE PARCELS
 PO BOX 1757, MORRISTOWN, TN 37116-1757

C-5
 SITE
 DETAIL
 SHEET



TCH
 431 WEST AVENUE, S.E.
 MORRISTOWN, TN 37116
 PH: 615-727-1111
 WWW.TCHENGINEERS.COM

PROJECT NO. 15444
 DATE: 08-03-17
 DRAWN BY: JAMES D. APOKYN-D.
 CHECKED BY: JAMES D. APOKYN-D.

City of Morristown

Incorporated 1855

DEPARTMENT OF COMMUNITY DEVELOPMENT & PLANNING



TO: Morristown Board of Zoning Appeals
FROM: Steve Neilson, Planning Director *SN*
DATE: April 11, 2017
SUBJECT: Variance – Merchants Greene, 2040-2017 (Texas Roadhouse)

BACKGROUND:

A request has been received for a variance to the Section 14-3304.D.2.a. of the Landscape Regulations for a proposed Texas Roadhouse restaurant to be located at the intersection of Merchants Greene Blvd. and W. Andrew Johnson Hwy. The property is currently zoned IB (Intermediate Business).

Section 14-3304.D.2.a. states:

All vehicular use areas shall be designed to ensure that every parking space is within 50 feet of a tree location (excluding off-site street trees).

The petitioner states the reason for the request is due to the property's shape and topographic conditions.



To help mitigate the variance request, the petitioner is proposing to plant two trees in a roundabout in the middle of a proposed right-of-way. The Public Works Department expressed sight distance concerns and recommended against planting trees in the roundabout. In addition, the Jake Greer, the city's traffic consultant also expressed a concern about sight distance and the possible "physical hazards" created by having trees in the roundabout.

In order to grant a variance the Board of Zoning Appeals must find that there is some unique feature or characteristic of the property such as exceptional narrowness, unique shape of a specific piece of property, exceptional topographic conditions or other extraordinary or exceptional situation of a piece of property, that the strict application of the provisions of this ordinance would result in practical difficulties to or undue hardship upon the owner of such property.

The proposed lot, which has not been created is part of the Merchant's Greene Phase II Subdivision currently under construction. The proposed 2-acre lot has been graded level and the lot is more than adequate in size to meet the requirements under the Zoning Ordinance. The proposed restaurant is 7,163 square feet in size and would require a total of 72 parking spaces. The proposed site plan provides 172 spaces, approximately 2.5 times the number of spaces required. In order to meet the city landscape requirements, the petitioner would lose a total of four parking spaces. This would leave the proposed restaurant with 168 spaces, well over twice the city's minimum requirements. Staff finds that there are no unique circumstances or practical difficulties on the property which create any undue hardship to the property owners to justify a variance to the city's requirements

RECOMMENDATION:

The staff recommends denial of the proposed variance request.

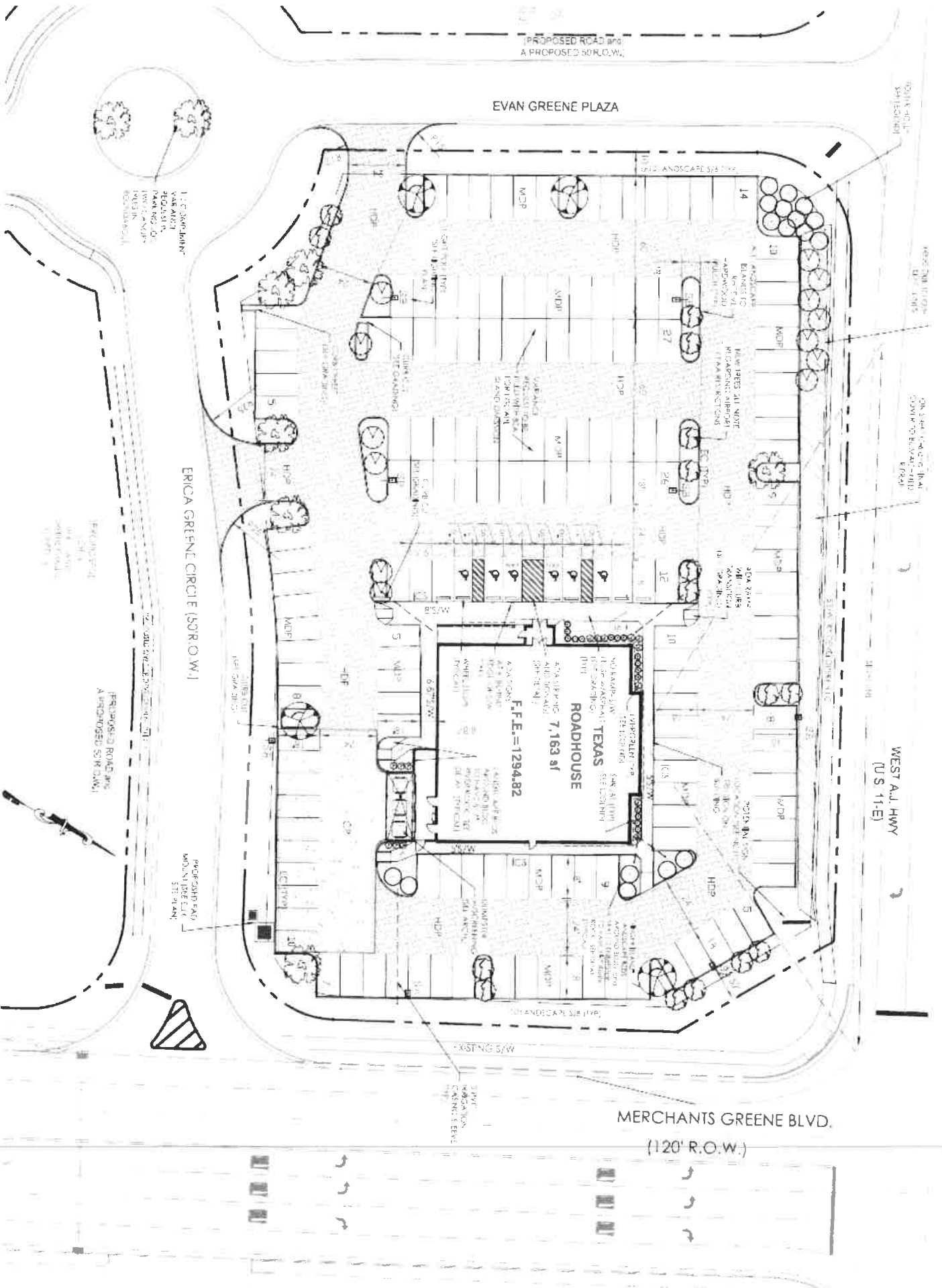
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a. Variance

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PROPOSED ROAD and
A PROPOSED S.O.R.O.W.

EVAN GREENE PLAZA



1.5' CROWNED
SAPLINGS
PLANTED
IN
LANDSCAPE

PROPOSED
ROAD AND
A PROPOSED
S.O.R.O.W.

PROPOSED ROAD AND
A PROPOSED S.O.R.O.W.

PROPOSED ROAD
AND A PROPOSED
S.O.R.O.W.

EXISTING S/W
3' PAV
CONCRETE
CANTON TIE

MERCHANTS GREENE BLVD.
(120' R.O.W.)

WEST A.J. HWY
(U.S. 11-E)

EXISTING
LANDSCAPE

EXISTING
LANDSCAPE

EXISTING
LANDSCAPE

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BOARD OF ZONING APPEALS APPLICATION

City of Morristown

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Mailing Address: 5123 Bethesda Rd. City/State/Zip Morristown, TN 37814
Telephone: (Home) 423.277.1112 (Business) _____ (Mobile) _____

5. **Property information:** Street Address: 4351 West AJ Hwy
County Tax Map: 040 Group: _____ Parcel(s) 30.03
Current zoning: I.B. Parcel size: 2.0 ac City/U.G.B. City
Existing Use: Developed Proposed Use: Commercial

6. **Nature of Request:** (please circle)
a) Use on review (\$50.00 Fee)
XXX b) Variance (\$50.00 Fee) - Amount/type of variance requested: Landscape adjustment
Reason for request: (1) property shape (2) topographic conditions (3) Other: 1 and 2
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:** T. Clint Harrison **Date:** 03-20-2017

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).