

MORRISTOWN BOARD OF ZONING APPEALS

AGENDA

June 14, 2016

Call to Order

I. Approval of the **February 9, 2016** minutes.

II. **Old Business:**

III. **New Business:**

A. Use-on-Reviews:

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

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

B. Variances:

C. Interpretations:

D. Appeals:

Adjournment

The next meeting of the Morristown Board of Zoning Appeals is scheduled for July 10, 2016 at 4:00 PM.
The deadline to submit applications for this meeting is June 20, 2016.

Morristown Board of Zoning Appeals
Minutes
February 9, 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

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
Jim Whitbeck, PE

Delores Maness
Amanda
Ashley Jolly

Vice-Chairman Beier called the meeting to order.

I. Approval of the January 12, 2016 minutes.

Mayor Chesney made a motion for approval as amended of the January 12, 2016 minutes; seconded by Board Member Beelaert. Upon voice vote: all ayes.

Election of Chairman:

Board Member Thompson nominated Doug Beier for Chairman of the Board of Zoning Appeals; seconded by Board Member Beelaert. Upon voice vote: all ayes.

Board Member Beelaert nominated Jack Kennerly for Vice-Chairman of the Board of Zoning Appeals; seconded by Board Member Thompson. Upon voice vote: all ayes.

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

Ms. Engle explained this request was submitted by Ashley Jolly to operate a beauty salon at 3634 E. Andrew Johnson Highway. Ms. Jolly is the prospective tenant of this property, she is not the owner. She would be leasing this property. The property is owned by Frank and Cathy Southerland. The property is located to the south of E. Andrew Johnson Highway and is abutted by the railroad tracks to the rear of the property to the south. To the south, it is primarily Heavy Industrial area between there and Morris Boulevard. On the other side of East Andrew Johnson

Highway, it is primarily Intermediate Business zoned parcels. The site is approximately 0.31 acres and it houses a structure, although the property is zoned industrial, the structure is really more of a commercial storefront. The Heavy Industrial (HI) zoning classification states that "beauty shops/barber/shops" are uses permitted on review not uses permitted by right. That is why we are here bringing this request to the BZA. At this time, staff has received no phone calls either in opposition or in support. Staff did mail adjacent property letters to property owners at this site and posted a sign so persons would be notified of this request. The recommendation of staff is that the use is in accordance with the Zoning Ordinance provisions for beauty salons, one of the additional uses permitted on review therefore this board may approve or disapprove, but we would recommend approval. Ms. Jolly is here today and she is licensed cosmologist in the State of Tennessee.

Vice-Chairman Kennerly explained I just have a comment that might be relevant should the project to widen 11E ever crank up again that property would be condemned for right-of-way. Board Member Thompson asked did anyone say what the former use was of that property. Ms. Engle explained I think it has been a variety of things most recently it was a church. The building has a blue roof and white walls.

Vice-Chairman Kennerly made a motion for approval of the use on review to allow a beauty salon in the Heavy Industrial District (HI) at 3634 E. Andrew Johnson Highway; seconded by Mayor Chesney. Voting results: 7 yes, 0 no. Voting yes were Secretary Garrett, Board Member Beelaert, Board Member Thompson, Chairman Beier, Vice-Chairman Kennerly, Board Member Neal and Mayor Chesney.

III. 913 W. 1st North Street to allow the sale of art/antiques in the Office, Medical and Professional District (OMP)

Ms. Matthews explained 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 is for the interpretation of an artist's studio which is being sought for property located at 913 W. 1st North Street. The applicant is Ms. Delores Maness she represents the property owner which is Lakeview Management, LLC. The property, which is located just east of the intersection of N. High Drive with W. 1st North, is 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 uses including boarding house, beauty shop and small scale professional offices and studios to name a few. The subject property contains a two story building fronting W. 1st North Street, each floor being roughly 700 - 800 square feet in size. The bottom floor is currently occupied as living quarters with the top floor being vacant. The top floor is before this board today for the interpretation. The total lot size is 8,000 square feet (0.18 acre). All surrounding properties shown on the zoning map which include the framing store to the east, home health care office to the west and insurance and attorney's offices to the north and south. Ms. Maness has asked to utilize the second floor only to feature an antique restoration technique area and possibly some quilting techniques and classes which would be classified under our guidelines as an Artist's Studio which again is 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 has research of an artist's studio both within those definitions as listed under

the NAICS (North American Industry Classification System) and those found in the American Planning Association Dictionary found that the sale 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. Required parking for the existing residence and proposed use would require approximately 3 to 4 spaces which one would be handicapped. There is plenty of room to the rear of the building to accommodate the required parking as well as small loading/unloading area. Due to the proposed use having negligible impacts or additional traffic, no noise or pollution should be impacted and as the proposed use seems compatible with surrounding properties. Staff would recommend the BZA to rule in favor of this interpretation with the contingency being if possible, that any enlargement to or variance from the antique restoration and quilt artist's studio and sales would have to come before this board for additional approval. The question before this board is do you consider an artist's studio to include selling of the art and as I addressed it, many other interpretations do. Because our Zoning Ordinance does not state that specifically that you can sell your art, which is the interpretation that we need.

Board Member Thompson made a motion to approve the interpretation/use on review of the request to allow the sale of art/antiques in the Office, Medical and Professional District (OMP) at 913 W. 1st North Street; seconded by Vice-Chairman Kennerly. Voting results: 7 yes, 0 no. Voting yes were Secretary Garrett, Board Member Beelaert, Board Member Thompson, Chairman Beier, Vice-Chairman Kennerly, Board Member Neal and Mayor Chesney.

There being no other business, the meeting was adjourned.

Respectfully submitted,

Bob Garrett
Secretary

RG/sk



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: June 14, 2016
SUBJECT: Use on Review – 911 South Cumberland Street

BACKGROUND:

A Use on Review request has been submitted by Jordan Rios of M & J Body Shop to establish an auto repair business at 911 South Cumberland Street. The parcel currently contains a commercial structure, which was previously a new automobile sales lot. The front portion of the business currently contains a used car lot, but the rear garage bay is currently unused for auto repair. This structure has operated as an automobile-related use since it was built. The 0.68 acre site is currently zoned Intermediate Business (IB). The parcel is bound by properties zoned IB on all sides.

The Intermediate Business (IB) zoning classification states that the zoning classification “is intended to provide for more intensive commercial activities” (Section 14-1001). In addition, section 14-1003 of the zoning ordinance also states that IB allows for the use of automobile repair shops as a use on review.

At this time, city staff has received no complaints from adjoining property owners regarding the proposed use on the property.

RECOMMENDATION:

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. Staff would recommend approval of this request.

OPTIONS:

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

R2

HEDRICK ST

BROWN AVE

S CUMBERLAND ST

FRESHOUR ST

AVE



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: June 14th, 2016
SUBJECT: Special Exception Request

A handwritten signature in dark ink, appearing to be 'Lori Matthews', is written over the 'FROM' and 'DATE' lines of the header.

REQUEST -

A special exception request has been received by the Planning Department for property located at 6668-6672 Archer Circle (Hamblen County Tax ID # 032047N D 01404) by Mr. Paul Lebel who is acting as agent for the property owner Harbor Lake LLC. The request is for the use of a residential duplex within an IB (Intermediate Business) zoned district.

The City of Morristown annexed this property and surrounding parcels along West Andrew Johnson in 1994, bringing them all under a 'holding' zoning district designation of single family residential. The annexation ordinance does not reflect housing being located on this property at that time. Most properties included in the annexation fronted W AJ and were of a commercial nature, so, the most logical zoning designation at that time would have been Intermediate Business.

No site plans or building records could be readily located for this site or for the duplex which adjoins it to the north to determine the exact date of construction. State property records indicate the valuation going up significantly in 1998 which might point to the property being developed. The structures would be considered legal non-conforming which, if destroyed, would require approval by the BZA to be rebuilt. The owner is simply wishing to go through that process now in order to have a 'firm' approval of a duplex use for that specific property.

As this property has been used for housing for a minimum of 10 years or longer, Staff would ask that a special exception be granted to allow the use to continue by right.

BOARD OF ZONING APPEALS OPTIONS -

1. Grant special exception approval for single family or duplex use.
2. Grant special exception approval for single family or duplex use with conditions.
3. Deny special exception approval.
4. Table request.

