# MORRISTOWN BOARD OF ZONING APPEALS AGENDA October 10, 2017



### **Call to Order**

- I. Approval of September 12th, 2017 minutes
- II. Old Business: none
- III. New Business:
  - A. Use-on-Review:

UORV-2100-2017: Request to allow Offsite Parking in IB @ 2007 W. Andrew Johnson HWY

UORV-2097-2017: Request to allow a Church in IB @ 2747 W. Andrew Johnson HWY

UORV-2104-2017: Request to allow Auto Sales in IB @ 5027 W. Andrew Johnson HWY

UORV-2110-2017: Request to allow Office Building in HI @ 254 Locust St

### B. Variances:

VARI-2112-2017: Variance for Front Yard Setback @ 828 Kandenna Dr.

C. Interpretations: none

### **Adjournment**

The next meeting of the Morristown Board of Zoning Appeals is scheduled for November 14, 2017 at 4:00 PM. The deadline to submit applications for this meeting is October 16, 2017.

### **Morristown Board of Zoning Appeals**

### **Minutes**

### **September 12, 2017**

# Members Present Members Absent

Chairman Bill Thompson

Secretary Bob Garrett

Board Member Jim Beelaert

Vice Chairman Jack Kennerly

Board Member Wanda Neal

Board Member Frank McGuffin

Mayor Gary Chesney

### **Others Present**

Lori Matthews, Senior Planner

Josh Cole, Planner

Steve Neilson, Planning Director

Jessica Crawford

Rufus Asher

Tony Strazzullo

Joann Strazzullo

Mike Buell

Judy Tunell

Phillip Carlyle

# I. Chairman Bill Thompson called for the approval of the August $8^{th}$ , 2017 minutes.

Vice Chairman Kennerly made a motion for approval of the August 8<sup>th</sup>, 2017 minutes and it was seconded by Mayor Board Member Beelaert. Upon voice votes, all Ayes.

### II. Old Business: None

#### III. New Business:

#### A. Use-on-Review:

### UORV-2092-2017: Request to allow auto sales & detailing in LI @ 1111 West Morris Blvd.

Senior Planner Lori Matthews discussed the Use on Review request to allow an auto sales and detailing business to be located at 1111 West Morris Boulevard. This request was submitted by the homeowners, Ben Williamson and Boyd Caldwell. Section 14-203 of the Zoning Ordinance, states that automobile sales must meet certain criteria and must receive approval from the Board of Zoning Appeals.

The site is near the intersection of West Morris Boulevard and Sulphur Springs Road and it is zoned LI (Light Industrial District). The proposed property will have two separate businesses and all parking was shown in the attached site plan. Any additional parking for this use will be prohibited to include stacking of vehicles being brought into the garage bays along the south side of the building. The submitted site plan showed 7 parking spaces to be located along East Morris Boulevard and 8 parking spaces to be located perpendicular to the southern property line. Parking for customers only will be located along the front entrance and will be dedicated either with signage or the stalls painted. There is adequate room for two way traffic throughout the site, with the section to the east being the exception. This travel aisle will be clearly identified, again, either striped or with signage, to be for one way traffic only.

Staff recommended approval of this Use on Review request as it is compatible with surrounding zoning and uses. Chairman Thompson called for a motion on this request. Mayor Chesney made a motion for approval of this Use on Review request and it was seconded by Board Member McGuffin.

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

### UORV-2101-2017: Home Occupation for a landscape business @ 609 East Louise Ave.

Senior Planner Lori Matthews discussed the request that was submitted by Joann Strazzulo for her property located at 609 East Louise Avenue which is located at the northwest intersection of Montvue and East Louise Avenue for a Use on Review.

The subject property is just south of East High School and west of the newly constructed Rutledge Place Apartment complex. Zoning within a 2,000 foot perimeter of the property is R-2 (Medium Density Residential District), although the area as a whole is comprised of single family residential lots. This same property came before the Board of Zoning Appeals in March of this year for Use on Review consideration of a landscaping service and it was denied.

Staff's site visit conducted on 9/5/2017 indicated that the property does not meet the following criteria as set forth by Section 14-228 of the Zoning Ordinance (Home Occupation) which states:

- Not more than 25% of the gross floor area of 500 square feet, whichever is less, of the principal domicile or any accessory structure shall be used for the home occupation including the storage of any materials
- There shall be not external storage of materials incidental to the home occupation.
- Off street parking shall be provided on the premises in sufficient quantity to accommodate all residents of the domicile, delivery vehicles, employees, clients, customers, students, visitors, etc. affiliated with the residence and the home occupation.
- No new construction or alterations to any existing structure on the site shall be made to indicate from the exterior, that the buildings are being used for other than residential purposes.
- One commercial vehicle (one and one-half ton or less) owned by the residents of the domicile may be used in conjunction with the home occupation.
- No earth moving equipment or heavy construction or hauling equipment or building materials shall be allowed on the premises.

Staff recommended denial of this Home Occupation permit, based on the application not meeting the mandatory criteria set forth.

Chairman Thompson called for a motion. Board Member Beelaert made a motion to approve staff's recommendation and it was seconded by Vice Chairman Kennerly.

The property owner of 609 East Louise Avenue, whose name is Tony Strazzulo, came forward to address this request. Mr. Strazzulo stated that he does not agree with the Planning Department's interpretation of the 2,000 square foot perimeter within the R-2 (Medium Density Residential District). He stated that there are numerous businesses that are located within 2,000 square feet of his residence. He also disagreed with the statement that there is heavy machinery located on his property. Mr. Strazzulo stated that the Home Occupation permit requirements are too vague for him or anyone else to understand. He said that he and his wife have always met all the requirements for a Home Occupation permit. He also stated that he feels like his Constitutional rights have been violated in regards to this Home Occupation.

Rufus Asher, who resides at 535 Montvue Avenue came forward and stated that he is opposed to this Home Occupation permit because it is next to a school zone and it will create a lot of traffic. He also stated that it will decrease their property values.

Mike Buell, who resides at 541 Montvue Avenue came forward and stated that he is also opposed to this Home Occupation because it will cause problems in the neighborhood and he is concerned with all of the trees and materials that would be brought in.

Judy Tunell, who resides directly across the street from the applicant, came forward and stated that she is opposed to this Home Occupation. She stated that there is heavy equipment stored at the residence and that a lot of the work is going on at night. She also stated that she has video of these activities and that she has even witnessed the applicants' younger children operating the heavy machinery.

Chairman Thompson stated that he believes that the Home Occupation criteria are pretty simplistic and he hopes that everyone understands it.

Voting Results: 0 yes; 6 no. Motion fails.

### **B. Variances:**

### VARI-2102-2017: Variance for tree location for Rich Products @ 5701 Commerce Blvd.

Planning Director Steve Neilson discussed the request for a variance to the Landscape Requirements, Chapter 33, Section 14-3303. D.2.a. Vehicular Use Areas. The petitioner was Rich Product Corporation located at 5701 Commerce Boulevard. The property is zoned HI (Heavy Industrial District).

The petitioner requested a variance to the location requirement that states the every parking space must be within 50 feet of a canopy tree. The petitioner also stated that the proposed parking area is located in the rear of the site near the loading docks and work areas which are frequently open. They stated that although landscaping has many benefits, landscaping also attracts birds and other wildlife which can be a detriment to the safety of Rich's bakery products.

Rich Products proposed an alternate solution to plant 14 required trees along Commerce Boulevard which would improve the public's view of the facility while limiting the potential impact from birds and other wildlife.

Staff recommended approval of this variance request.

Chairman Thompson called for a motion. Vice Chairman Kennerly made a motion for approval of this request and it was seconded by Mayor Chesney.

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

### VARI-2095-2017: Variance of 17.5 ft. for Church addition @ 2202 Chestnut Ave.

Planning Director Steve Neilson discussed the variance request for a front yard setback from 25 feet to 7.5 feet in order to construct an addition to the Morningside Baptist Church which is located at 2202 Chestnut Avenue. This property is zoned R-2 (Medium Density Residential District).

The church is already encroaching into the front yard setback of Chestnut Avenue. The proposed addition will not encroach any closer to the street than the existing structure which has its entrance built right up to the street. The proposition will not have a negative impact on surrounding uses. The church is located in an older neighborhood where many of the building structures fail to meet setback, therefore; the proposed addition is not out of character with the area.

Staff found that these circumstances are unique and they recommended approval of the request.

Chairman Thompson called for a motion. Board Member Beelaert made a motion for approval of this variance request and it was seconded by Board Member Neal.

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

## VARI-2094-2017: Variance of 12 ft. for an above-ground pool @ 2182 Bright's Pike

Planner Josh Cole discussed the request that was received from T. Phillip Carlyle for a variance to Section 14-212, Location of Detached Accessory Buildings on Residential Lots. The petitioner at 2182 Bright's Pike has placed a pool on their property and requested a 12 foot variance to the front setback, from the required 60 feet to 48 feet. The petitioner stated that the pool cannot be mover further back because of topographic restraints associated with the property which is an uphill slope.

After reviewing the request and visiting the property in question. Staff cannot support this request because there is adequate room to place the pool or other detached accessory structures on the property and meet the 60 foot setback. Staff recommended denial of this variance.

Chairman Thompson called for a motion. Board Member McGuffin made a motion to approve the request by Staff and it was seconded by Mayor Chesney.

T. Phillip Carlyle came forward on behalf of this property and stated that what you didn't see based on his site plan was that there is a swell that the takes the drainage from behind the house to the steep bank behind the pool. He stated that if they were to move the pool, it would have to be 30 feet instead of the 12 feet due to the swell on the property and that would not be easy.

Voting Results: 3 yes; 3 no. Motion fails.

C. Interpretations: None

The meeting was adjourned.

Respectfully submitted,

**Bob Garrett** 

Secretary

BG/jc



Incorporated 1855

**DEPARTMENT OF COMMUNITY DEVELOPMENT & PLANNING** 



TO: Morristown Board of Zonjing Appeals

FROM: Josh Cole, Planner Cotober 10, 2017

SUBJECT: Use on Review Request for Offsite Parking

### **BACKGROUND:**

A request to provide off-site parking has been made by Mr. Rob Murphy and Cushman & Wakefield on behalf of Valvoline Oil for property located at 2007 West Andrew Johnson Highway and the adjoining property immediately to the south. The site is currently zoned Intermediate Business (IB).

The applicant has noted that Valvoline Oil is seeking to build a 1,675 square foot Valvoline Instant Oil Change building on the property located at 2007 West Andrew Johnson Highway and provide the required parking for the business on the 0.19 acre lot located immediately to the south. Currently, the Long John Silver's fast food restaurant is utilizing the two lots in the same manner. The proposed offsite parking lot has a U-Haul location and Storage Units across Western Ave, a Walgreens across W. Morris Blvd, and a Jet's Pizza to the south.



### **RECOMMENDATION:**

Staff would recommend approval of the offsite parking request.

















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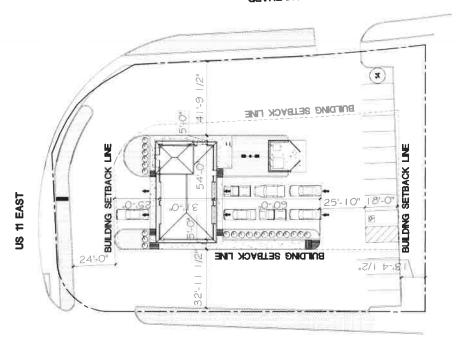
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SCALE: 1/16" = T - 0"



# WEST MORRIS BOULEVARD



WESTERN AVENUE



(GRADE TO PRECAST SILL)

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ROOF SHINGLES QUITTE, DOMESPAUS, FASCIA & ESPOSED WIM:

STOREFRONT SYSTEM

H.M. DOORS & FRAMES

DUMPSTER NALLS

HANDICAP STALL STRUPING

DUAPSTER ENCLOSURE

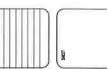


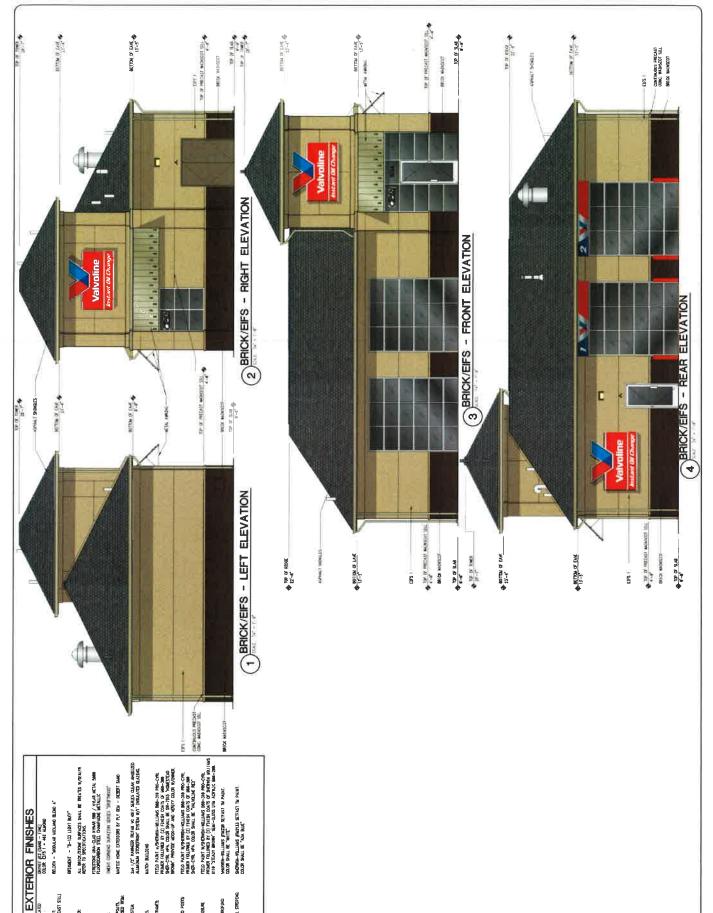


PROTOTYPE DESIGN TWO BAY FIGHT HAND VALVOLINE INSTANT OIL CHANGE EXTERIOR ELEVATIONS









Incorporated 1855

**DEPARTMENT OF COMMUNITY DEVELOPMENT & PLANNING** 



TO: Morristown Board of Zoning Appeals

FROM: Josh Cole, Planner October 10<sup>th</sup>, 2017

SUBJECT: Use Permitted on Review Request for a Church in the Intermediate Business District

### BACKGROUND:

A request has been received from Mr. Randy Rosenbalm, acting on behalf of "The Church at Morristown," to allow a church at 2747 West Andrew Johnson Highway. This property is currently zoned Intermediate Business (IB). There have been several tenants at this location in the past including "Fleek Entertainment," "Fog Factory," and "423 Bar and Grill."





The property is 0.87 acres in size and contains two buildings: the proposed church location fronting West Andrew Johnson Highway and the "Crave Fitness Studio" building located behind it. The property has a Lowe's Home Improvement store across West Andrew Johnson, a Tennessee Credit Union bank and storage units to the west, and an insurance agency to the east. The building is approximately 7,277 square feet and the church is currently planning to lease the entire building; however, it will only occupy 1,600 square feet on the main level with the 2<sup>nd</sup> floor and basement remaining unoccupied. Mr. Rosenbalm noted that the current congregation is about 20 individuals but they are hoping to expand to 50 at this location. A congregation of 50 would require 13 parking spots (1 per 4 seats) and this property meets that as there are 42 spots on this lot (that it shares with the fitness studio).

### **RECOMMENDATION:**

Places of worship are allowed in the Intermediate Business district as a use permitted on review. Staff recommends approval of the proposed request.





NICHAEL O PRICE, ARCHITECT 208 E 157 NORH ST 9 SUIF 1 N 278:4 ACS+581:5063 acchitectm®musfiber.com

STE PLAN THE CHARCH AT MORRISTOWN LEAD PASTOR — RANDY ROSENBALM 2747 W A.J. HWY. MORRISTOWN, TN





Incorporated 1855

**DEPARTMENT OF COMMUNITY DEVELOPMENT & PLANNING** 



TO:

Morristown Board of Zoning Appeals

FROM:

Lori Matthews, Senior Planner

DATE:

October 10, 2017

SUBJECT:

Use on Review for Automobile Sales

#### **BACKGROUND:**

A Use on Review request has been submitted by Mr. Hamsah Issa on behalf of owner Leroy Royston for his property located at 5027 W. Andrew Johnson Highway. This one acre parcel is zoned IB (Intermediate Business) and is located along W. Andrew Johnson Highway at its intersection with Panther Creek Road and Old 11E.

Formerly an automobile sales lot, it has remained vacant for more than 12 months which requires any new use conform to current code regulations. Recently the City of Morristown adopted new regulations for automobile sales lots to include that a site plan be submitted as part of the approval process. The applicant has chosen to utilize the same building and parking as the prior establishment which will meet current City Code. The applicant will however, be required to plant a minimum of 4 canopy trees which is not shown on the site plan attached to this memo.

This parcel adjoins another auto sales lot (West Side Motors) and is just east (across 11E) of an older commercial strip center which contains an automobile sales business (Soloman's). A convenience store and abandoned commercial site are situated north across W. Andrew Johnson and residential housing to the south.

#### **RECOMMENDATION:**

As the subject property will meet the minimum zoning regulations, Staff would ask that the Board of Zoning Appeals grant the applicant approval of this specific commercial use. \*Any changes to the sales lot which is not reflected on the site plan will require the applicant come back to the BZA for additional approval.





Incorporated 1855

#### **DEPARTMENT OF COMMUNITY DEVELOPMENT & PLANNING**

TO: Morristown Board of Zoning Appeals Lori Matthews, Senior Planner FROM:

DATE: October 10, 2017

Use on Review Request for Offices in Heavy Industrial SUBJECT:

#### **BACKGROUND:**

A request for a use on review has been received from Mr. Clint Harrison acting on behalf of property owner(s) Spectrum Properties for their property (Hamblen County Tax ID #032034I N 00600) and Manalili Commercial Building, GP for their property (Hamblen County Tax ID # 034I N 00700 000) located along the north side of East Morris Boulevard with its intersection with Locust Street. The properties are zoned LI (Light Industrial) which requires Board of Zoning Appeals approval for any type of commercial or office use, the intent is to revamp the building for one office now and add professional office space in the future.

While the proposed project consists of only 2 parcels, the parcel owned by Spectrum Properties appears to have been split into 3 lots (represented in red on graphic below). The area which fronts E. Morris Boulevard (7,625 square feet) will possibly be used for a couple of parking spaces, but predeominantly for landscaping and signage as its size is so restrictive. That 1/2 acre area across the alley to the east contains an old warehouse which the applicant wishes to convert to office space and required parking. warehouse is an empty lot (1 +/- acre) which will be used for future parking. The property outlined in blue represents additional/overflow parking to be used in the future. No additional ingress/egress will be needed from E. Morris as all traffic will enter the office and overflow parking lot from Locust Street.

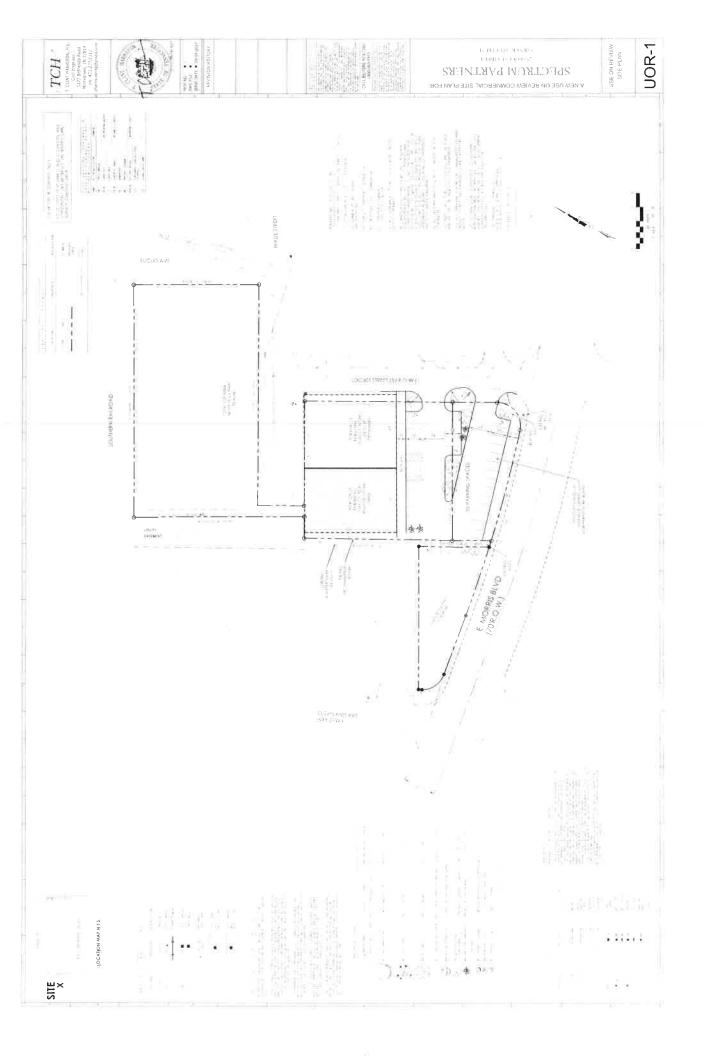
#### **RECOMMENDATION:**

This region of the City has been in transition for the past few years with old industrial properties being converted into new retail and office space. Approval of this request would allow this trend to continue its way westward. As the blighted properties west of this request have recently been put up for sale, Staff foresees additional use requests and/or zoning requests being submitted for this area in the future. Staff would ask that the Board of Appeals approve this request as it will eliminate blighted property and will maintain a positive redevelopment trend in this neighborhood.









Incorporated 1855

**DEPARTMENT OF COMMUNITY DEVELOPMENT & PLANNING** 



TO: Morristown Board of Zoning Appeals FROM: Lori Matthews, Senior Planner

DATE: October 10, 2017

SUBJECT: Front Yard Variance Request

#### **BACKGROUND:**

A variance request has been received from Mr. Doug Peterson for his properties located at 828 and 830 Kandeena Drive (Lochmere Subdivision, Phase 5). Properties zoned R-3 (High Density Residential) are required to maintain a 20 foot front and rear yard building setback. Mr. Peterson has asked to vary from the 20 foot front setback by 10 feet, which would decrease the front yard setback for Lot 4 to only 10 feet.

As can be seen from the recorded subdivision for these properties, there are a number of topographical hardships on the properties which include an existing sanitary sewer easement, a flood hazard area and water quality buffer area, all of which encompass much of the north portion (creekside) of the two parcels. These areas may not be disturbed and must be protected during construction. Building plans show the proposed placement of the duplex to be encroaching into the

Phase 5 of Lochmere Subdivision was originally platted and approved in 2007 with these two lots being re-platted in 2008 (small adjustment to shared middle lot line location).

### **RECOMMENDATION:**

Staff would ask that the Board of Zoning Appeals approve the front setback request of 10 feet as requested as the recorded subdivision plat does confirm numerous topographical hardships shared by both lots.

