

**MORRISTOWN BOARD OF ZONING APPEALS
AGENDA
November 14, 2017**



Call to Order

I. Approval of October 10th, 2017 minutes

II. Old Business: none

III. New Business:

A. Use-on-Review:

UORV-2117-2017: Retail use in HI district @ Buffalo Trail and Branner St.

UORV-2122-2017: Office/retail use in HI district @ 4999 Enka Highway

UORV-2131-2017: 1st Church of God Family Life Center @ 450 W. Economy Rd.

Adjournment

The next meeting of the Morristown Board of Zoning Appeals is scheduled for December 12, 2017 at 4:00 PM. The deadline to submit applications for this meeting is November 20, 2017.

Morristown Board of Zoning Appeals

Minutes

October 10, 2017

Members Present

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

Members Absent

Others Present

Lori Matthews, Senior Planner
Josh Cole, Planner
Steve Neilson, Planning Director
Randy Corlew
Robert Murphy
Doug Peterson
Randy Rosenbaum
Kimberly Rosenbaum

Chairman Bill Thompson called the meeting to order and invited anyone who wished to join the Commission in an Invocation and the Pledge to do so.

I. Chairman Bill Thompson called for the approval of the September 12th, 2017 minutes.

Board Member Neal made a motion for approval of the September 12th, 2017 minutes and it was seconded by Board Member McGuffin. Upon voice votes, all Ayes.

II. Old Business: None

III. New Business:

A. Use-on-Review:

UORV-2100-2017: Request to allow offsite parking in IB @ 2007 West A.J. Highway

Planner Josh Cole discussed the request to provide off-site parking. The request was submitted 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 IB (Intermediate Business).

The applicant had noted that Valvoline Oil was 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 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 off-site parking lot has a U-Haul location and Storage Units across Western Avenue, a Walgreens across West Morris Boulevard, and a Jet's Pizza to the south.

Staff recommended approval of the off-site parking request.

Chairman Thompson called for a motion. Vice Chairman Kennerly made a motion to approve the request to allow off-site parking and it was seconded by Board Member Beelaert.

Robert Murphy came forward and stated that he represented Valvoline Oil and that they are leasing both of the lots associated with this request. He also stated that the company will leave the current access points the way they are.

Voting Results: 7 yes; 0 no. Motion carries.

UORV-2097-2017: Request to allow a church in IB @ 2747 West A.J. Highway

Planner Josh Cole discussed the request that was received from Mr. Randy Rosenbaum, acting on behalf of The Church at Morristown. Mr. Rosenbaum requested permission to allow a church at 2747 West A.J. Highway. This property is currently zoned IB (Intermediate Business). 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 A.J. Highway and the Crave Fitness Studio building located behind it. The property has a Lowe's Home Improvement store across West A.J. Highway, a Tennessee Credit Union to the west, and an insurance agency to the east. The building is approximately 7,277 square feet on the main level with the 2nd floor and basement remaining unoccupied. Mr. Rosenbaum noted that the current congregation is about 20 individuals but they are hoping to expand to 50 in the future. 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 is shared with the fitness studio.

Places of worship are allowed in the IB district as a use permitted on review. Staff recommended approval of this Use on Review request to allow a church.

Chairman Thompson called for a motion. Vice Chairman Kennerly made a motion for approval and it was seconded by Board Member Beelaert.

Voting Results: 7 yes; 0 no. Motion carries.

UORV-2104-2017: Request to allow Auto Sales in IB @ 5027 West A.J. Highway

Senior Planner Lori Matthews discussed the request that was submitted by Mr. Hamsah Issa on behalf of owner Leroy Royston for his property located at 5027 West A.J. Highway. This one acre parcel is zoned IB (Intermediate Business) and is located along West A.J. 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 to conform to current code regulations. Recently, the City of Morristown adopted new regulations for automobile sales lots to include 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 are not shown on the site plan attached to this memo.

This parcel adjoins another auto sales lot and is just east of an older commercial strip center which contains an auto sales business. A convenience store and an abandoned commercial site are situated north across West A.J. Highway and residential housing is to the south.

As the subject property will meet the minimum zoning regulations, Staff recommended that the Board of Zoning Appeals grant the applicant approval of this specific commercial use. It should be noted that any changes to the sales lot which is not reflected on the site plan will require the applicant to come back to the BZA for additional approval.

Chairman Thompson called for a motion. Board Member Beelaert made a motion for approval of this Use on Review request and it was seconded by Mayor Chesney.

Voting Results: 7 yes; 0 no. Motion carries.

UORV-2110-2017: Request to allow Office Buildings in HI @ 254 Locust Street

Senior Planner Lori Matthews discussed a request for a use on review that was received from Mr. Clint Harrison, acting on behalf of property owner, Spectrum Properties for their property 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 where 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 two parcels, the parcel owned by Spectrum Properties appears to have been split into 3 lots. The area which fronts East Morris Boulevard will possibly be used for a couple of parking spaces, but predominantly for landscaping and signage as its size is so restrictive. That half acre area across the alley to the east contains an old warehouse which the applicant wishes to convert to office space and required parking. Behind the warehouse is an empty lot which will be used for future parking. No additional ingress/egress will be needed from East Morris Boulevard as all traffic will enter the office and overflow parking lot from Locust Street.

This region of the Morristown has been in transition for the past few years with old industrial properties being converted into new retail and office spaces. 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 recommended approval of this request as it would eliminate blighted property and it would maintain a positive redevelopment trend in this neighborhood.

Chairman Thompson called for a motion. Mayor Chesney made a motion for approval and it was seconded by Board Member Beelaert.

VARI-2112-2017: Request for variance on front yard setback @ 828 Kandena Drive

Senior Planner Lori Matthews discussed the request for a variance that was received from Mr. Doug Peterson for his properties located at 828 and 830 Kandeena Drive in the 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 a water quality buffer area; all of which encompass much of the north portion of the two parcels. These areas may not be disturbed and must be protected during construction.

Staff recommended that the BZA approve this front yard setback of 10 feet as the recorded subdivision plat does confirm numerous topographical hardships shared by both lots.

Chairman Thompson called for a motion. Vice Chairman Kennerly made a motion to approve the request and it was seconded by Board Member Beelaert.

Voting Results: 7 yes; 0 no. Motion carries.

The meeting was adjourned.

Respectfully submitted,

Bob Garrett

Secretary

BG/jc

DRAFT

City of Morristown

Incorporated 1855

DEPARTMENT OF COMMUNITY DEVELOPMENT & PLANNING



TO: Morristown Board of Zoning Appeals
FROM: Lori Matthews, Senior Planner
DATE: November 14th, 2017
REQUEST: Use on Review for Commercial Business in HI (Heavy Industrial) District

BACKGROUND:

A use on review request has been submitted by Mr. Charles Simpson for property located at the northeast intersection of Branner Street and Buffalo Trail. The request is for the construction and operation of an engraving/trophy business which would be located within an HI (Heavy Industrial) district.

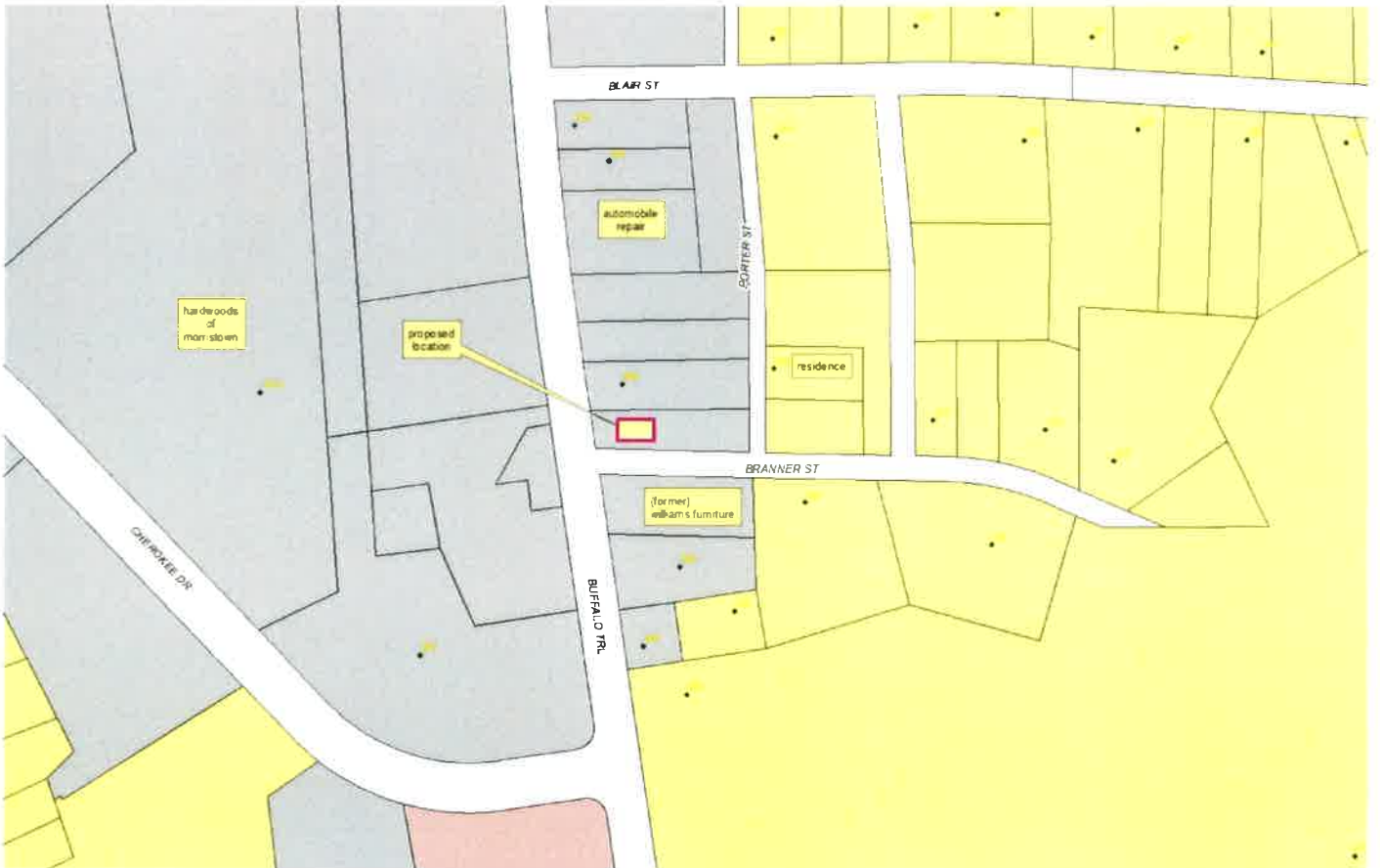
The property, being approximately a quarter of an acre in size, is bounded by Branner Street and furniture store to the south, a vacant concrete building to the north, Porter Street (undeveloped) and single family house to the east and Buffalo Trail to the west. Porter Street functions as the dividing line between industrial and residential zoning, though the majority of parcels zoned as industrial along this stretch of Buffalo Trail, have since transitioned into commercial businesses.

The site plan (attached) depicts an 1,800 square foot building being located within the required building setbacks with an entrance off of Branner Street. All required parking will be located toward the rear of the property and there will be room for additional parking if needed in the future. Landscaping requirements (to provide a minimum of 4 trees and maintain a 10 foot 'green' strip in the front and sidewalk along the building) will be provided. MUS currently provides water/sewer/electric to the property. A fire hydrant is located at the corner of Branner and Buffalo.

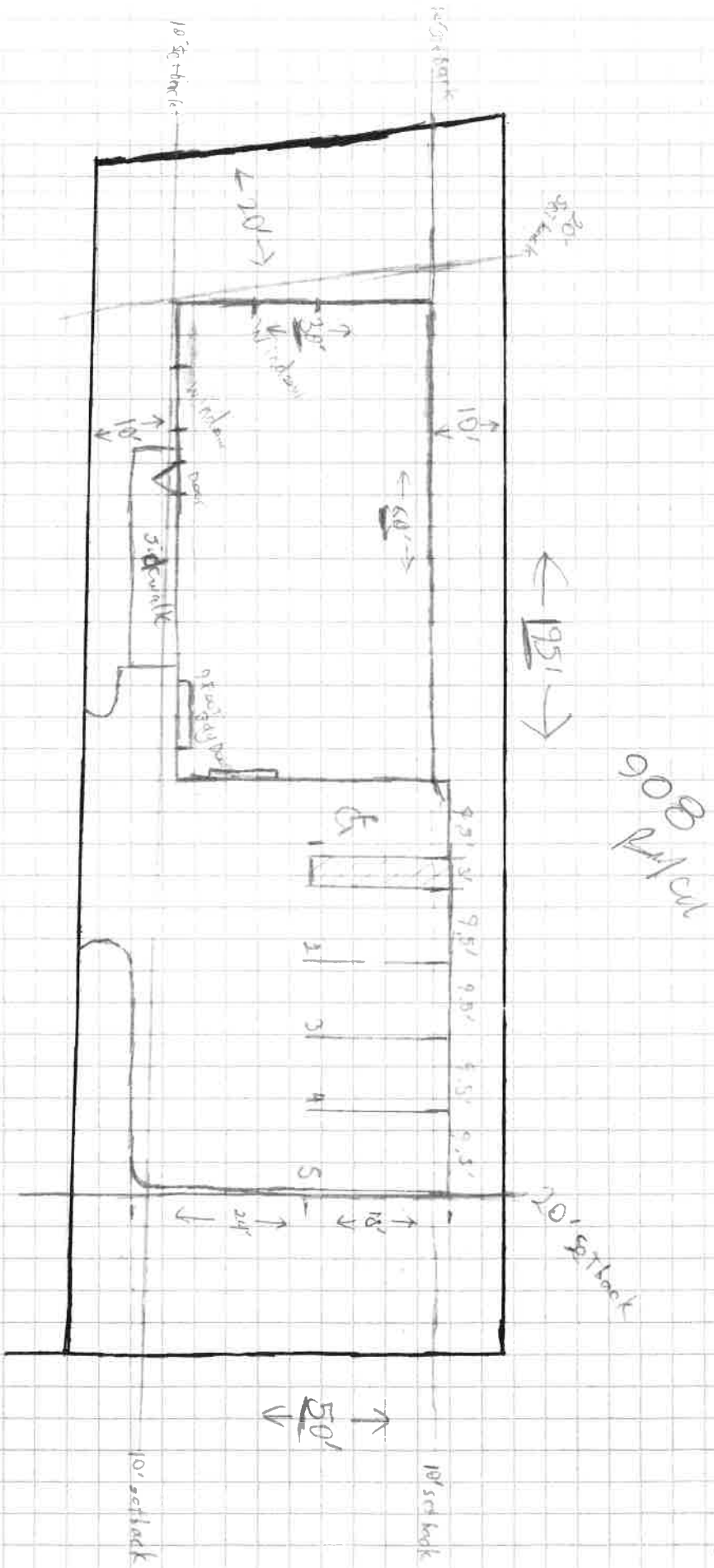
RECOMMENDATION:

Staff feels this type of commercial/manufacturing business to be a conglomeration of several permitted by right or by approval uses within this district and would impact the surrounding neighborhood far less than many of those uses permitted by right. In addition, as many properties which surround this area are currently for sale, Staff hopes this will be a catalyst for redevelopment in this area which is badly needed. In short, Staff would ask the Board of Zoning Appeals to grant this use as submitted.





1/4" = 4'
Scale



BAD
CONCERN

City of Morristown

Incorporated 1855

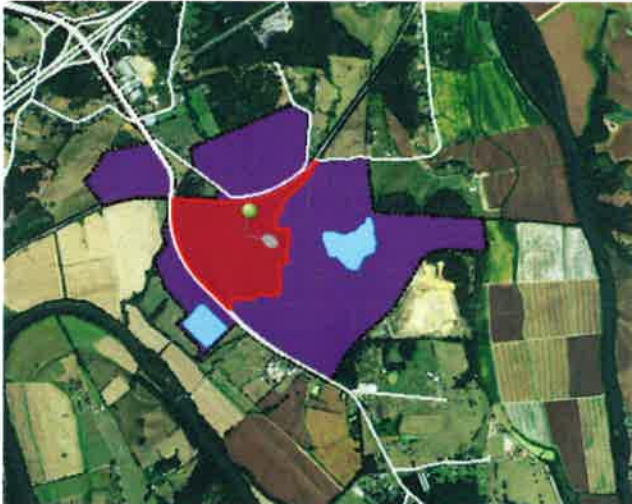
DEPARTMENT OF COMMUNITY DEVELOPMENT & PLANNING



TO: Morristown Board of Zoning Appeals
FROM: Josh Cole, Planner *JC*
DATE: November 14, 2017
SUBJECT: Use Permitted on Review for a Museum, Storage, Office Space, and Retail in a Heavy Industrial District

BACKGROUND:

A request has been received from Mr. Eddie Davis and Mrs. Betty Davis on behalf of the property owner, Harold Nichols, for Uses Permitted on Review to allow a mixed use building consisting of a museum, storage, general office space, and occasional yard sales on property located at 4855 Enka Highway. The property is currently zoned HI- Heavy Industrial.



The proposed site is a 116.16 acre parcel that contains several buildings, however, the applicants are requesting to only use one office building containing 25 rooms on the southwest portion of the lot. This parcel was previously occupied by the American Enka Company/BASF/Lenzing Fibers/Liberty Fibers factory. Currently, the property is primarily vacant but does contain the "Incredible Tiny Homes" business in one of the remaining warehouse buildings.

Mr. Davis indicated that he would like to use a large portion of the building to create an "American Enka" museum to display materials and information about the history and importance of the property. Beyond this, he noted that in the future he may choose to rent some of the rooms for "climate-controlled storage" and/or office space along with utilizing this portion of the property for occasional weekend yard sales. This building contains approximately 35 parking spaces, which is sufficient for the proposed uses.

RECOMMENDATION:

The proposed uses of this building are allowed in the HI, heavy industrial district, as uses on review with the museum being an "amusement enterprise" use, the climate controlled storage being a "mini-storage rental warehouse units" use, office space as general office use, and the occasional yard sales being a mixture of retail and "flea market" use. Staff recommends approval of the proposed request.

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:** 10-04-2017

2. **Name of Property Owner:** Harold Nichols
Mailing Address: P.O. Box 1948 **City/State/Zip** Morristown, TN 37816
Telephone: (Home) (423) 312-7497 (Business) _____ (Mobile) _____

3. **Name of Applicant:** Eddie & Betty Davis
Mailing Address: P.O. Box 1479 **City/State/Zip** MORRISTOWN, TN 37816
500 BARTON DRIVE " " 37814
Telephone: (Home) 423 588-6229 (Business) _____ (Mobile) 312-6322

4. **Name of Agent (third party):** _____
Mailing Address: _____ **City/State/Zip** _____
Telephone: (Home) _____ (Business) _____ (Mobile) _____

5. **Property Information:** **Street Address:** OLD ENKA HWY. (LENSING OFFICE BUILDING)
County Tax Map: _____ **Group:** _____ **Parcel(s)** _____
Current zoning: _____ **Parcel size:** _____ **City/U.G.B.** _____
Existing Use: NONE **Proposed Use:** OFFICE MUSEUM
RETAIL, STORAGE

6. **Nature of Request:**
 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:** [Signature] Betty Davis **Date:** 10-4-17

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



TO: Morristown Board of Zoning Appeals
FROM: Steve Neilson, Planning Director *SN*
DATE: November 14th, 2017
SUBJECT: Use Permitted on Review Request for a Church in the Intermediate Business District (UOR 2131-2017)

BACKGROUND:

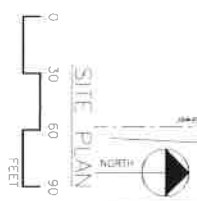
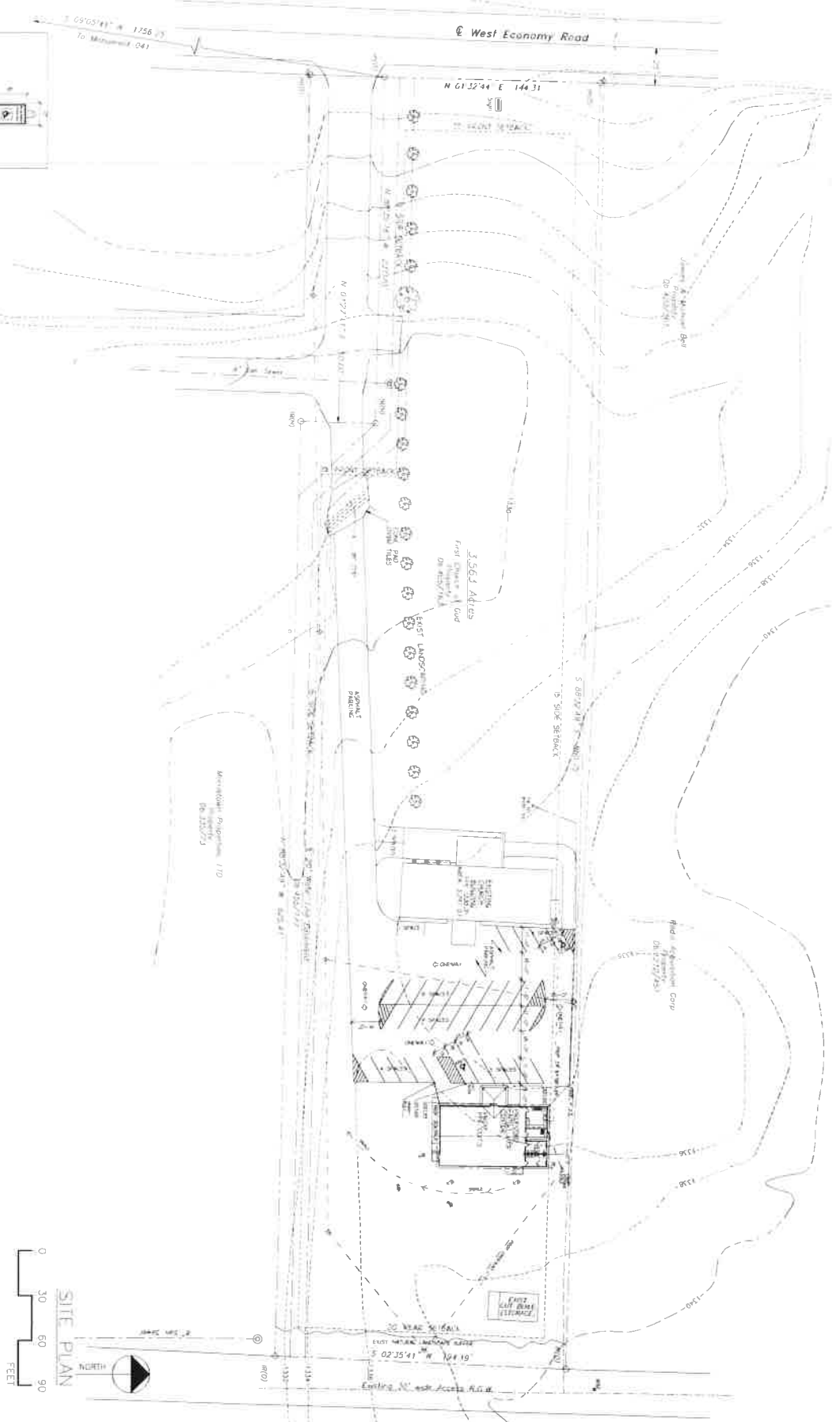
A request has been received from Mr. Michael Price, acting on behalf of "The First Church of God," to allow a church expansion at 450 W. Economy Road. This property is currently zoned Intermediate Business (IB). The church is proposing to construct a 2,815 Family Life Center.



The First Church of God sits on a 3.6 acre parcel and the proposed family center will be located in the rear of the church. The property is bordered by apartments to the south (The Maples Apts.), vacant R-1 property to the east, the WCRK/WMTN radio station to the north, and by the "Life Care Center" nursing home to the west. The proposed life center meets all parking requirement and building setbacks.

RECOMMENDATION:

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



PROPOSED BLDG. GROSS AREA 2,815 S.F.
 SITE AREA 155,204.3 S.F. / 3.563 AC
 132 SEALS (AT SANCTUARY) + 4 = 136
 33 PARKING SPACES ILLUSTRATED
 33 PARKING SPACES REQUIRED

MAP 041A, GROUP A, PARCEL 025 03
 DEED BOOK 405, PAGE 163
 1ST CIVIL DISTRICT
 HAMBLEN COUNTY, TN
 MORRISTOWN, TN

PROPERTY OWNER: FIRST CHURCH OF GOD
 450 W. ECCONOMY ROAD
 MORRISTOWN, TN 37814
 SURVEY INFORMATION TAKEN FROM BILLY KNIGHT'S SURVEY DATED 09/19/17

CM	DATE
MDP	01/11/17
01	NOV 17
1	307-0
13	01/17
SP1	

SITE PLAN
 FIRST CHURCH OF GOD
 FAMILY LIFE CENTER
 450 W ECCNOMY ROAD
 MORRISTOWN, TN

MICHAEL D. PRICE, ARCHITECT
 208 E 1ST NORTH ST • SUITE 1
 MCRRISTOWN, TN 37814
 423•581•5063
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REVISIONS	BY