

**MORRISTOWN BOARD OF ZONING APPEALS
AGENDA
June 13, 2017**



Call to Order

I. Approval of May 9th, 2017 minutes

II. Old Business: none

III. New Business:

A. Use-on-Review:

Request for home occupation (beauty salon) at 326 Willow Greene Drive

Request for church relocation at 6057 West A.J. Highway

Request for animal shelter in HI at 5251 East Morris Boulevard

B. Variances:

Variance request for parking requirements at 1477 Progress Parkway

C. Interpretations: none

Adjournment

The next meeting of the Morristown Board of Zoning Appeals is scheduled for July 11, 2017 at 4:00 PM. The deadline to submit applications for this meeting is June 19, 2017.

Morristown Board of Zoning Appeals

Minutes

May 9, 2017

Members Present

Chairman Bill Thompson

Board Member Jim Beelaert

Vice Chairman Jack Kennerly

Board Member Wanda Neal

Board Member KC Alvarado

Secretary Bob Garrett

Mayor Gary Chesney

Others Present

Lori Matthews, Senior Planner

Ralph "Buddy" Fielder, Asst. City Administrator

Steve Neilson, Planning Director

Kat Morilak, Development Services

Clint Harrison

Brian Shepard

Richard Fedor

Miguel Bautista

Angelino Bautista

Chairman Bob Thompson 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. Approval of the April 11th, 2017 minutes.

Board Member Neal made a motion for approval of the April 11, 2017 minutes and it was seconded by Board Member Beelaert. Upon voice votes, all Ayes.

II. Old Business: None

III. New Business:

A. Use-on-Review:

UORV-2052-2017: Request for a home occupation for drone photography

Planning Director Steve Neilson discussed the request that was received by Jim Wills located at 601 Windridge Court (Hamblen County Tax Map #032033P F 00400) for a home occupation. Mr. Wills owns and operates an off-premise drone photography business. The property is zoned R-1 (Single Family Residential District).

Per the City's Home Occupation guidelines, the proposed business was to operate from the owner's principal domicile with not more than 25% of it being dedicated to the business. The applicant met the requirements under Section 14-228 Home Occupation guidelines.

Staff recommended approval of this request for a home occupation.

Mayor Chesney made a motion of approval for this home occupation and it was seconded by Vice Chairman Kennerly.

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

UORV-2053-2017: Request for an auto repair shop at 1137 East Main Street

Planner Steve Neilson discussed the request that was received from Angelino Bautista Lopez for a Use-on-Review to allow an automotive repair shop on property located at 1137 East Main Street. The property is zoned IB (Intermediate Business District).

The property had been used for auto service in the past; however, it had most recently been occupied by James Brockwell & Son Roofing Company. Although, the property is bordered by a mixture of single-family and multi-family uses, the East Main Street corridor has number of commercial and automobile oriented uses. The corridor is predominantly zoned IB (Intermediate Business District) and LI (Light Industrial District).

The proposed use is allowed in IB District and is consistent with other automobile oriented uses along the corridor. Staff recommended approval of the proposed request.

Board Member Beelaert made a motion for approval of the request for an auto repair shop and it was seconded by Vice Chairman Kennerly.

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

B. Variances:

C. Interpretations: None

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: June 13th 2017
SUBJECT: Use on Review Request for Home Occupation
Beauty Salon

REQUEST -

A request has been received from Ms. Melissa Wellman for her residence located at 326 Willow Greene Drive in the Willow Springs II subdivision which is just west of Panther Creek Drive. Ms. Wellman is seeking approval from the Board of Zoning Appeals to operate a beauty salon from her residence. The business will entail servicing one patron at a time as she plans on having only one salon chair at this time. All adjoining properties are residentially zoned and all surrounding uses are single family residential.



A notarized affidavit containing all requirements as stipulated in Section 14-228 HOME OCCUPATIONS along with the mandatory fee has been received by the Planning office. This requirements listing binds the applicant to all conditions as stated under Section 14-228 which is listed on the next page:

14-228. HOME OCCUPATION (3341-09/18/2008)

1. A Home Occupation Permit is required prior to the usage of any residential structure as a Home Occupation in accordance with the provisions herein; the only exclusion to this requirement are those businesses in which all of the following apply:
 - a. do not require a business license.
 - b. do not generate any additional traffic to the premises.
 - c. do not advertise the business with any sign on the premises.
 - d. do not utilize any employees that are not full-time residents of the domicile.
 - e. do not store any materials outside the principal residential structure.
 - f. do not involve any on-site retail sales or professional services open to the public.
2. An applicant for a home occupation permit shall submit an application to the Board of Zoning Appeals in a form as required by the city administrator or his assignee along with the required fee for a USE ON REVIEW permit as approved by City Council.
3. The Board of Zoning Appeals may issue a home occupation permit when the application is found to comply with the following criteria:
 - a. The applicant(s) shall demonstrate that the location for the home occupation is their principal domicile.
 - b. Not more than 25% of the gross floor area or 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 or products related to the home occupation.
 - c. No more than one employee affiliated with the home occupation who is not a permanent resident of the dwelling unit shall be employed at the site of the home occupation.
 - d. No more than one home occupation may be permitted per dwelling unit.
 - e. Products or materials shall not be visible on the premises from any street or sidewalk adjacent to the property on which the home occupation is situated.
 - f. A home occupation shall be limited to one, wall-mounted sign, mounted flatly against the structure, that shall not exceed two (2) square feet in size and such sign shall not have lights, be illuminated, flash, glimmer, flutter, or have movement by any electronic, wind or other means.
 - g. There shall be no significant increase in the use of utilities such as water, sewer, gas, garbage or electricity that would indicate the usage of the property other than the use for residential purposes.
 - h. There shall be no external storage of materials incidental to the home occupation.
 - i. No equipment or process associated with the home occupation shall generate noise, vibration, smoke, dust, glare, electrical interference, odors, fumes or other objectionable effect detectable to the normal senses beyond the property lines of the lot on which the business is situated, or if within a multi-family structure, beyond the confines of the individual dwelling unit.
 - j. 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.
 - k. No activity related to the home occupation shall be permitted outdoors on the property.
 - l. 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.
 - m. There shall be no group instruction in connection with the home occupation. For the purposes of this subsection, instruction shall be group instruction if it involves more than two (2) students at any time.
 - n. There shall be no group assembly involved with the home occupation.
 - o. Deliveries to the premises shall be consistent with the intent and purpose of maintaining the residential character of the neighborhood and shall not exceed two business deliveries between the hours of 8:00 a.m. and 6:00 p.m. to the premises per day.
 - p. One (1) commercial vehicle (one and one-half ton or less in size) owned by the residents of the domicile may be used in conjunction with the home occupation. The vehicle will be deemed in use for the home occupation if it advertises the home occupation and/or contains or stores materials including stock, wares, goods, samples or equipment. Such vehicle shall be stored in a garage or building or shall be concealed so as not to be visible from the street or sidewalk adjacent to the premises when it is parked at the residence.
 - q. No earth moving equipment or heavy construction or hauling equipment or building materials shall be allowed on the premises.
 - r. The Board of Zoning Appeals, when considering a permit for a home occupation, may render additional requirements specific to a particular application as it may deem necessary to protect the intent and purpose of maintaining the residential character of the neighborhood in which the application is being sought.

- s. Home Occupation permits shall not be transferrable. A new home owner, property owner, descendant, heir or individual other than that to whom the Board of Zoning Appeals issues a home occupation permit shall be required to apply for a new home occupation permit.
 - t. The applicant(s) shall have signed a notarized Affidavit of Zoning Compliance for a Home Occupation, Section 14-228 Zoning Ordinance of the City of City of Morristown stating their agreement to comply with the standards set forth herein.
4. The holder of a home occupation permit is required to continuously comply with all conditions of its issuance or suffer revocation as provided below:
- a. A home occupation permit shall be revoked when it is determined that the conditions of its issuance are not being met.
 - b. The permit holder of the home occupation shall be notified in writing that the conditions of its issuance are not being met with the specific infractions noted.
 - c. The permit holder of the home occupation shall be given ten (10) calendar days from the postmark of written notification of non-compliance to contact the city to resolve the issue of non-compliance. Should the issue not be resolved, the City Administrator or his assignee shall notify the permit holder that the Home Occupation Permit has been revoked and all business activities associated with the home occupation shall terminate immediately upon receipt of the notice.

Staff would recommend approval of this Home Occupation as it meets all necessary conditions and should not have any impact on any of the surrounding properties.

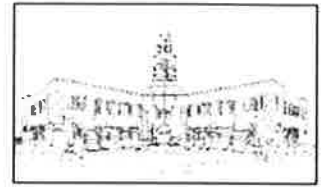
BOARD OF ZONING APPEALS OPTIONS:

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

City of Morristown

Incorporated 1855

DEPARTMENT OF COMMUNITY DEVELOPMENT & PLANNING



TO: Morristown Regional Planning Commission
FROM: Lori Matthews, Senior Planner *JM*
DATE: June 13th, 2017
SUBJECT: Use on Review Request for Church

The Planning Department has received an application from Mr. Jason Messer who is acting on behalf of 'The Avenue' church currently located at 6111 West Andrew Johnson Highway in the Alpha Square retail center just west of Airport Boulevard. Mr. Messer is asking that the church be granted approval to occupy the former 'Fred's' store (6057 West Andrew Johnson Highway), which is also a portion of that same retail center. The church will be moving in its entirety to the proposed location.

The whole of the property is just over 9 acres in size and zoned IB (Intermediate Business). The retail building itself is approximately 52,000 square feet in size and comprised of several suites, the following businesses still in operation include the Pet Emergency Clinic, a laundrymat, Dynamic Physical Therapy, Traders Treasures, Farm Bureau and Republic Finance. That portion of the structure proposed to be occupied by the church is roughly 25,000 square feet. Projected seating for this use is expected to be 300 with services to be held on Sunday mornings and Wednesday evenings. Parking on site holds well over 200 vehicles and has additional parking available on a separate parcel which adjoins W AJ.

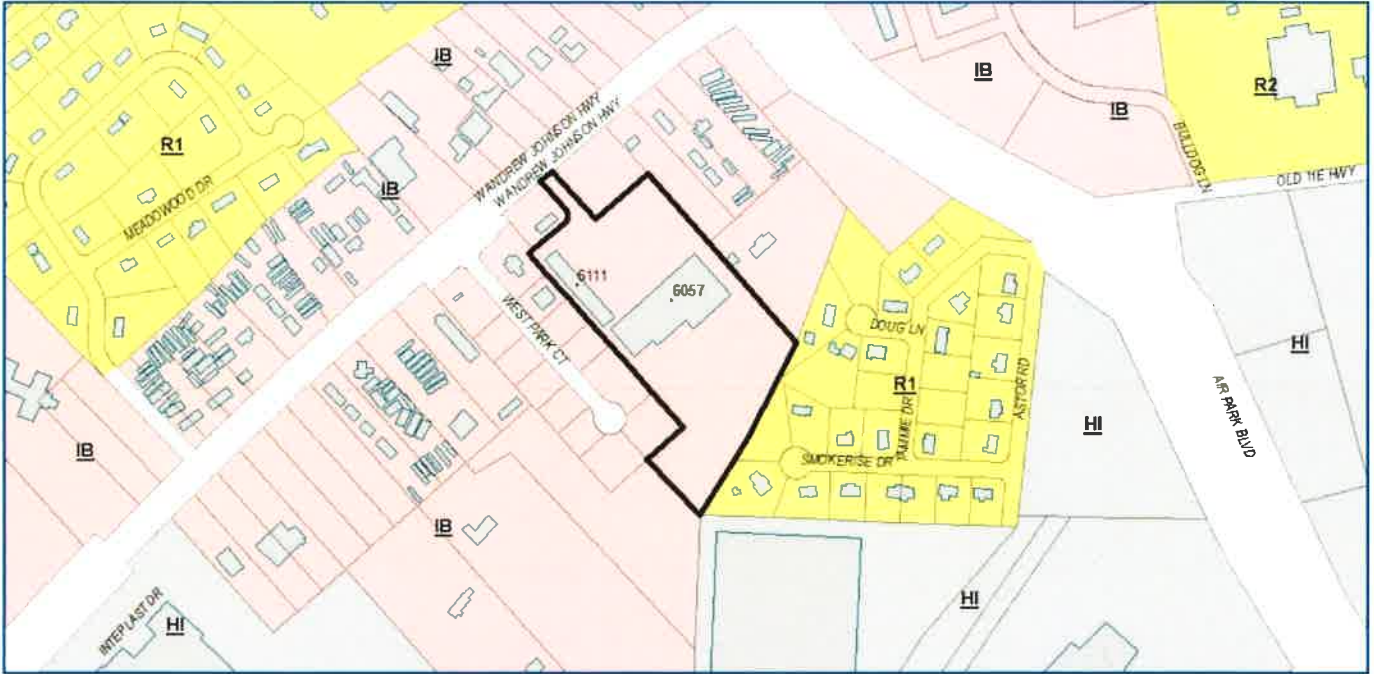
Alpha Square retail center has two access points along W Andrew Johnson Highway, one to the west having a median cut across W. Andrew Johnson Highway with a dedicated left turn lane entering into the site from that highway. A small commercial subdivision borders this development to the north and west which includes a church, bank, and pharmacy. There are single family homes to the rear and east with a (former) contractors office fronting West Andrew Johnson.

Places of worship are allowed in almost every zoning district but only with prior approval by the Board of Zoning Appeals.

Staff does not see this use as negatively impacting any of the surrounding properties and is not opposed to using this retail center for a place of religious worship.

BOARD OF ZONING APPEALS OPTIONS:

1. Grant the use on review request as submitted;
 2. Grant the use on review request with changes;
 3. Deny the use on review request;
 4. Table the request for further information.
-



City of Morristown

Incorporated 1855

DEPARTMENT OF COMMUNITY DEVELOPMENT & PLANNING



TO: Morristown Regional Planning Commission
FROM: Lori Matthews, Senior Planner *JM*
DATE: June 13th, 2017
SUBJECT: Use on Review Request for Animal Shelter

The Planning Department has received an application from Mr. Ritchie Broyles who is acting on behalf of the Morristown Hamblen Animal Shelter in their request to operate an animal shelter at 5251 East Morris Boulevard which is located in the former Textiles Workers Union Hall just west of the East Industrial Park.

The property, 2.36 acres in size is zoned HI (Heavy Industrial) and has located currently on site a 5,000 square foot building with offices. The site fronts East Morris Boulevard and is bounded by the Norfolk Southern railway and Andrew Johnson Highway along the rear property line. Lots adjoining on the east and west sides are vacant. All adjoining properties are industrially zoned. (Heavy Industrial)

HI districts currently allow animal hospitals, kennels and dog grooming facilities by right, all uses commonly found within an animal shelter. As an animal shelter is a non-typical and quite specific type of land use, it is one which is comprised of those types of land uses already permitted within an HI district as described above.

Staff would recommend approval of this use on review as the property is bound by industrial areas which would not be impacted by this type of use.

Board of Zoning Appeals Options:

1. Grant the use on review request as submitted;
2. Grant the use on review request with changes;
3. Deny the use on review request;
4. Table the request for further information.

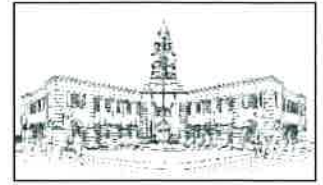




City of Morristown

Incorporated 1855

DEPARTMENT OF COMMUNITY DEVELOPMENT & PLANNING



TO: Morristown Board of Zoning Appeals
FROM: Steve Neilson, Planning Director
DATE: June 13, 2017
SUBJECT: Variance – Parking requirements, 2064-2017 (Project Ruby)

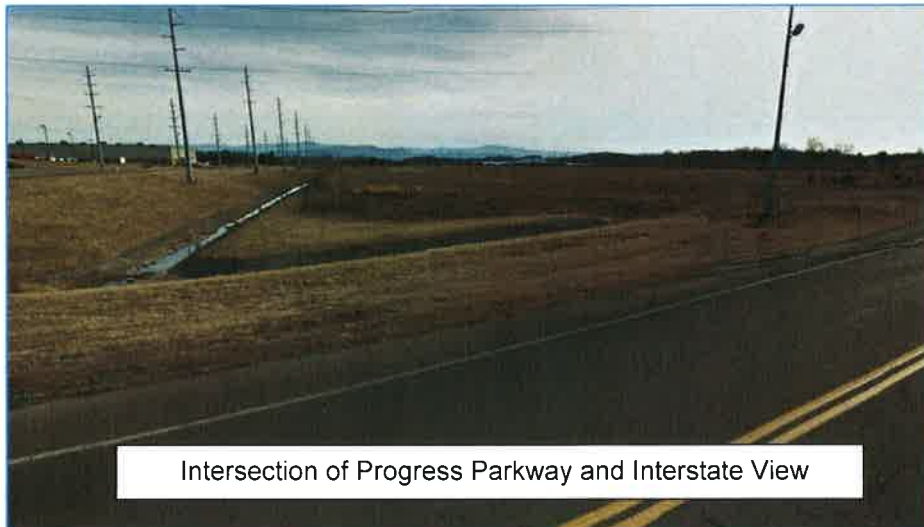
BACKGROUND:

A request has been received for a variance to Section 14-216.3.f. of the Parking Requirements for a proposed manufacturing facility to be located at the intersection of Progress Parkway and Interstate View in the ETPC. The property is currently zoned HI, Heavy Industrial District.

Section 14-216.3.f. states:

Industrial Uses: One (1) parking space per five hundred (500) square feet of total floor area.

The petitioner is proposing to construct a 49,400 square foot manufacturing facility. Under the Parking Regulations, a total of 99 spaces are required. The proposed site plan shows a total of 35 parking spaces. The petitioner states that due to the hi-tech nature of their business there will be no more than 25 people working at the facility at any one time.



Intersection of Progress Parkway and Interstate View

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 due to the nature of the type of industry, the this project is unique

RECOMMENDATION:

Staff finds that due to the nature of the type of industry, this project is unique and would recommend approval of his 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.

DATE: 08/17/19



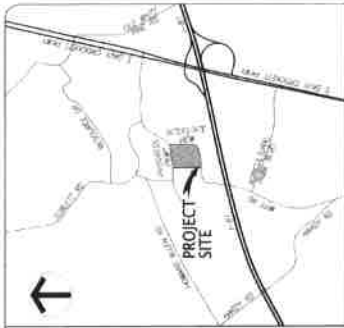
PROPOSED INDUSTRIAL FACILITY PROJECT RUBY

EXCELCEL Project No. _____
 SHEET: _____

SITE LAYOUT & PAVING PLAN

C1

Engineering Firm: _____
 Date: _____



LOCATION MAP
(NOT TO SCALE)

- NOTES**
1. THE LAYOUTING & REMOVAL DATA WAS OBTAINED FROM THE RECORD DRAWING FOR THE PROJECT RUBY, WHICH WAS PREPARED BY CARROLL & CARROLL, INC. IN 2014.
 2. THE LAYOUTING & REMOVAL DATA WAS OBTAINED FROM THE RECORD DRAWING FOR THE PROJECT RUBY, WHICH WAS PREPARED BY CARROLL & CARROLL, INC. IN 2014.
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LEGEND

- ASPHALT PAVEMENT
- PORTLAND CEMENT CONCRETE
- GRAVEL PAVEMENT
- PROPERTY LINE
- PAVING STRIP
- ROAD CENTERLINE
- TYPICAL
- DETAIL REF. (DETAIL NO./SHEET NO.)
- SCALE: SOLID WHITE LINE

BYLORUM FM

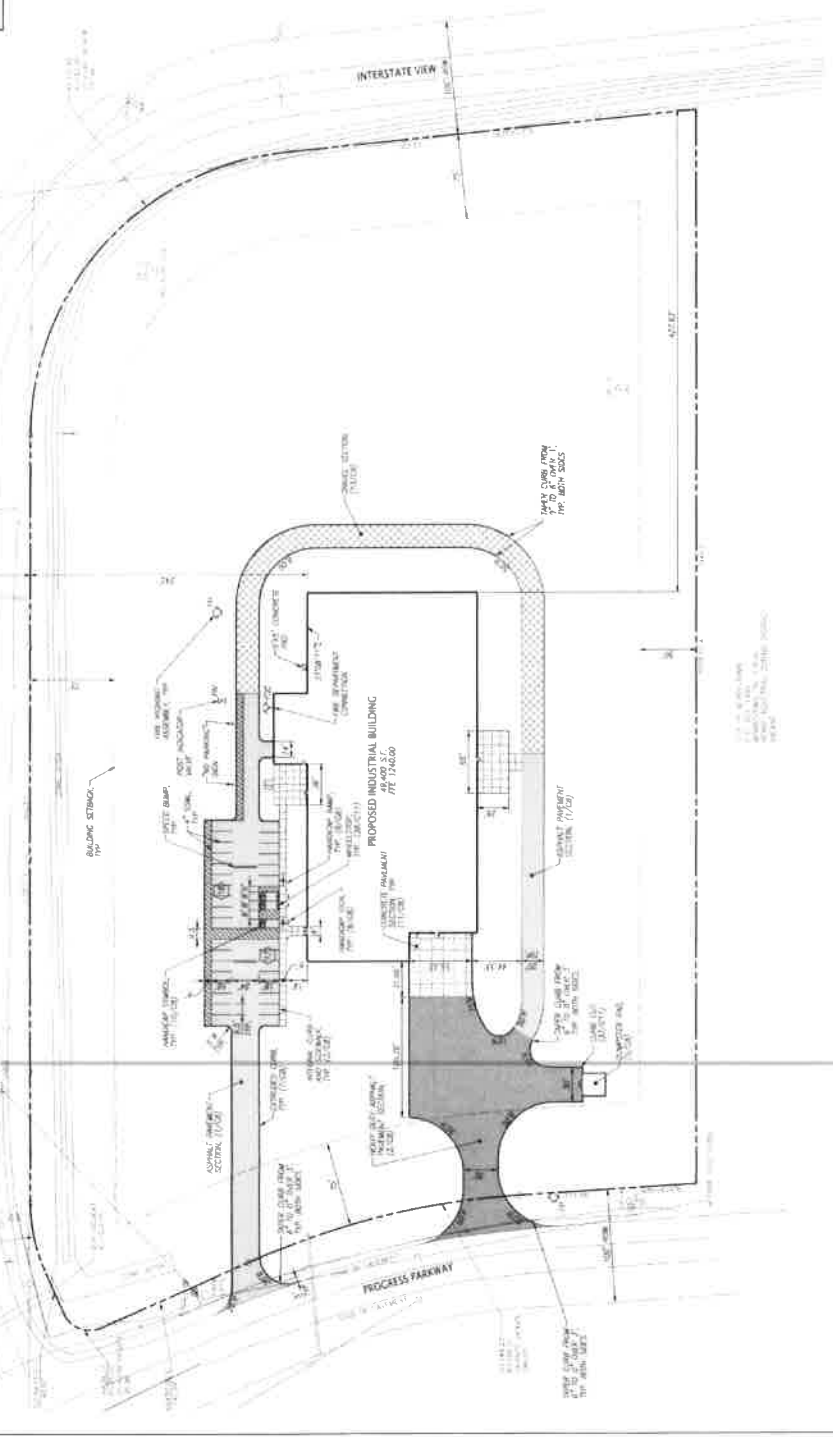
1100 W. UNIVERSITY BLVD.
 SUITE 200
 MEMPHIS, TN 38102
 TEL: 901.591.1100
 WWW.BYLORUMFM.COM

PAVING SUMMARY

REPROPOSED PAVING FOR INDUSTRIAL USE
 48,400 S.F. OF 7" THICK ASPHALT
 PROPOSED PAVING PROPOSED
 11,700 S.F. OF 7" THICK ASPHALT
 11,700 S.F. OF 7" THICK ASPHALT
 11,700 S.F. OF 7" THICK ASPHALT

SCALE: 1" = 40'

DATE: 08/17/19



BYLORUM FM
 1100 W. UNIVERSITY BLVD.
 SUITE 200
 MEMPHIS, TN 38102
 TEL: 901.591.1100
 WWW.BYLORUMFM.COM

APPENDIX

APPENDIX A: PAVING DETAILS

APPENDIX B: PAVING DETAILS

APPENDIX C: PAVING DETAILS

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:** 6/1/2017

2. **Name of Property Owner:** MH TENNESSEE ONE, LLC (A TX LLC)
Mailing Address: 600 N. PEARL ST, STE1600 City/State/Zip DALLAS, TX 75201
Telephone: (Home) N/A (Business) 317.997.0177 (Mobile) N/A

3. **Name of Applicant:** Scot Mathews
Mailing Address: 328 S Civic Center Dr City/State/Zip Columbus, OH 43215
Telephone: (Home) N/A (Business) 317.997.0177 (Mobile) N/A

4. **Name of Agent (third party):** Billy Fulghum
Mailing Address: 10330 Hardin Valley Rd, STE 201 City/State/Zip Knoxville, TN 37932
Telephone: (Home) N/A (Business) 865.690.6419 (Mobile) N/A

5. **Property information:** Street Address: 1551 Witt Road, Morristown, TN 37816
County Tax Map: 62/57 Group: N/A Parcel(s) 8/115
Current zoning: H.I. Parcel size: 12.8 AC City/U.G.B. N/A
Existing Use: VACANT Proposed Use: INDUSTRIAL

6. **Nature of Request:**
 a) Use on review (\$50.00 Fee)
 b) Variance (\$50.00 Fee) • Amount/type of variance requested: PARKING COUNT REDUCTION
Reason for request: (1) property shape (2) topographic conditions (3) Other: SPECIALIZED USE
 c) Appeal N/A
 d) Other Requests: N/A

7. List name and addresses of **adjacent property owner(s)** that would be affected by request (reverse side).
N/A

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:**  **Date:** 6/1/17

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).



Telephone 614 621 4500
Cell 614 400 4018
smatthews@exxcel.com
www.exxcel.com

328 Civic Center Drive
Columbus, OH 43215

June 1, 2017

Mr. Steve Neilson
Morristown Planning Director
100 W. 1st North St.
Morristown TN 37814

RE: Project Ruby-Parking Count Reduction Request

Dear Steve:

We would like to request a variance for the code required parking count for the facility be constructed at the southwest intersection of Interstate View and Progress Parkway identified as Project Ruby. Current design documents have been submitted for review with this request.

The operating company for the facility has formally acknowledged the number of parking spaces needed (max no. of employees on the grounds at any given time) in the attached email correspondence. Accounting for shift crossover, the max no. of employees will be (25).

We are asking for a variance reduction of parking spaces from the code required square footage calculation to the actual required count plus a 40% contingency factor for a total of (35) spaces.

Thank You

A handwritten signature in blue ink, appearing to read "Scot Matthews".

Scot Matthews
Project Manager

Scot Matthews

From: Conroy, Pat L <Pat.Conroy
Sent: Thursday, June 01, 2017 1:59 PM
To: Scot Matthews
Subject: Parking Requirements

Scot:

Per your request, the parking requirements for the new sight (Project Ruby) is:

The number of parking spaces needed (max no. of employees on the grounds at any given time)... **Accounting for shift crossover, the max no. of employees would be 25.**

Pat Conroy

All information contained in this message is confidential and is intended solely for the recipient or recipients identified above. If you are not the intended recipient or there are any problems, please notify the sender immediately. The unauthorized use, disclosure, or copying of this message is strictly forbidden and may subject you to legal action.