

**MORRISTOWN BOARD OF ZONING APPEALS**  
**AGENDA**  
**September 12, 2017**



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**Call to Order**

**I.** Approval of August 8th, 2017 minutes

**II.** Old Business: none

**III.** New Business:

**A.** Use-on-Review:

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

UORV-2101-2017: Home Occupation for a Landscape Bus. @ 609 East Louise

**B.** Variances:

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

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

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

**C.** Interpretations: none

**Adjournment**

The next meeting of the Morristown Board of Zoning Appeals is scheduled for October 10, 2017 at 4:00 PM. The deadline to submit applications for this meeting is September 18, 2017.

# **Morristown Board of Zoning Appeals**

## **Minutes**

**August 8, 2017**

### **Members Present**

Chairman Bill Thompson

Board Member Jim Beelaert

Vice Chairman Jack Kennerly

Board Member Wanda Neal

Secretary Bob Garrett

Mayor Gary Chesney

### **Others Present**

Lori Matthews, Senior Planner

Josh Cole, Planner

Steve Neilson, Planning Director

David Hayes

Larry Hart

Nick Lakins

Jessica Crawford

Clint Harrison

### **Members Absent**

**I. Chairman Bill Thompson called for the approval of the July 11<sup>th</sup>, 2017 minutes.**

Board Member Neal made a motion for approval of the July 11<sup>th</sup>, 2017 minutes and it was seconded by Mayor Chesney. Upon voice votes, all Ayes.

**II. Old Business: None**

**III. New Business:**

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

### **UORV-2080-2017: Request for an office building in an HI District at 367 Martin Luther King Pkwy.**

Planner Josh Cole discussed the request received from Mr. H. David Hayes on behalf of the property owner, Sharon C. Hayes. The request was for a Use Permitted on Review to allow an office building to be constructed on property located at 367 Dr. Martin Luther King Jr. Parkway. The property is currently zoned HI, Heavy Industrial District. The proposed site is a 2.08 acre parcel that is currently vacant. There is an AT&T office/truck parking north of the property, vacant parcels to the south and east of the property, and a truck/storage/repair facility across Dr. Martin Luther King Jr. Parkway.

Several types of offices are allowed in the HI District and the use is consistent with office buildings located to the north along West Morris Boulevard. Staff recommended approval of the proposed request.

Commissioner McGuffin stated that he would abstain from voting on this item due to a conflict of interest.

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

Voting Results: 6 yes; 0 no; 1 abstain. Motion carries.

### **UORV-2082-2017: Request for a Pet Kennel at 5141 Old 11E Hwy.**

Senior Planner Lori Matthews discussed the Use on Review request for an animal kennel within an IB, Intermediate Business District. The request was submitted by Jennifer McMaster on behalf of the property owners, Ruth and William Jenkins. The property is currently zoned IB, which permits this type of land use only after approval has been granted by the Board of Zoning Appeals.

The property being addressed as 5141 Old 11E Highway is 1.5 acres in size and contains a 2,400 square foot building constructed in the late 1980's, which has most recently served as a real estate office. Parking sufficient to accommodate 7 standard vehicles and one handicapped vehicle is on site and it meets the City's parking requirements. The remainder of the property is vacant/open space.

A business plan submitted by the applicant stated that the facility will be able to handle up to 30 dogs and 10 cats with staff on site 24 hours a day. Actual hours of operation will be from 7 a.m. until 7 p.m. with all animals being inside the facility by 7 p.m. at night.

Surrounding properties are zoned IB, Intermediate Business and HI, Heavy Industrial which include airport property to the rear and vacant City owned property to the east. Properties north

of the site, across Old 11E are vacant. The Panther Creek Village Subdivision is located southwest and it consists of single family residences.

Staff sees proposed impacts to the neighbors as minimal with one exception being that of increased noise levels created by animals being kept outside. Staff recommended approval of this request.

Ms. Matthews also stated that there have been 36 people call in and voice their opinion against this Use on Review request.

Chairman Thompson called for a motion. Secretary Garrett made a motion for approval of the request for an animal kennel and it was seconded by Board Member Beelaert.

Board Member McGuffin asked where the nearest residence was and Ms. Matthews clarified that the nearest residence was directly south of the property.

Mayor Chesney asked what the yardage was in regards to the distance between the property in question and the nearest residence. Ms. Matthews stated that it was around 150-200 feet.

Mayor Chesney also asked Mr. Steve Neilson if there were certain guidelines to help in the Use on Review process. Mr. Neilson stated that the City of Morristown does not have any guidelines that require a certain amount of distance between the proposed use and the nearest residence.

Jennifer McMaster, the applicant, came forward and stated that her address is 1448 Hickory Shadow Drive. She also stated that the proposed use is not a kennel, it is a daycare boarding facility and there would not be any outside kennel runs. The only time that the dogs would be outside would be when they are let out to use the restroom and the area would be completely fenced in.

Chairman Thompson stated that it was time to vote since there were no further questions. He also clarified that a “yes” vote would be to approve the Use on Review request and that a “no” vote would deny it.

Voting Results: 2 yes; 5 no. Motion fails.

#### **UORV-2083-2017: Request for a Pharmacy in OMP at 310 West 3<sup>rd</sup> North Street**

Planning Director Steve Neilson discussed the request for a Use Permitted on Review for a pharmacy to be located at 310 West 3<sup>rd</sup> North Street in the Helen Ross McNabb Center. The applicant is Genoa Healthcare Company and the property is zoned OMP which is the Office, Medical, and Professional District.

The proposed pharmacy would be approximately 250 square feet and would be located in an existing office complex.

Staff determined that this proposed use would be compatible with the uses in the complex and surrounding properties. The proposed pharmacy is allowed in the OMP as a Use on Review and is in keeping with the adjoining properties and the neighborhood as a whole. Staff recommended approval of this request.

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.

Larry Hart came forward and stated that he worked with Genoa Healthcare Company and he gave a general description of what is to be expected. He stated that they are a pharmacy company who specializes in placing pharmacies in mental health facilities across the country. They have seen improved outcomes with having pharmacies placed inside the facilities and it helps make sure that the patients take their medications more frequently.

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

#### **UORV-2088-2017: Request for off-site parking in IB at 1079 E. Morris Boulevard**

Senior Planner Lori Matthews discussed a request to provide off-site parking at 1077 and 1079 East Morris Boulevard. The request was made by Mr. Jeff Kenley on behalf of property owner Trademark Investments, LLC. The site adjoins the Food City at the Popkin Field development to the west and it was rezoned from Heavy Industrial (HI), to Intermediate Business (IB) in 2016.

This parking request stemmed from the recent development of the existing old industrial warehouse into professional office space, which is slated to be the new home of the Department of Child Services (DCS) and Camelot, which is a family counseling and prevention group. Both offices are currently located along Sulphur Springs Road in south Morristown.

As mentioned, this 2 acre site comprised of 3 separate lots was recently zoned for commercial use. Only the warehouses will be part of the redevelopment process for now. The smaller structure which shares this site was formerly a pawn shop which has since been vacated. The 11,000 square foot redevelopment requires roughly 37 parking spaces which have been shown on the site plan. The old warehouse when originally constructed was placed well north of Morris Boulevard, almost directly on top of the now abandoned Trade Street right of way line. Access to the development will be from Morris Boulevard across a separate vacant parcel from those which contain the offices. All required parking will be provided between this ingress/egress and the parcel to the north with the offices. All parking as shown on the site plan will be for the sole use of 1077 and 1079 East Morris Boulevard.

Staff sees the entrance and parking design as being compatible with the redevelopment of this area and hope to see this redevelopment spur future improvements in this area of the City.

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

Voting Results: 6 yes; 1 no. Motion carries.

**B. Variances: None**

**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: Board of Zoning Appeals  
FROM: Lori Matthews, Senior Planner *LM*  
DATE: September 12th, 2017  
SUBJECT: Automotive Sales and Detailing Use on Review Request

## REQUEST -

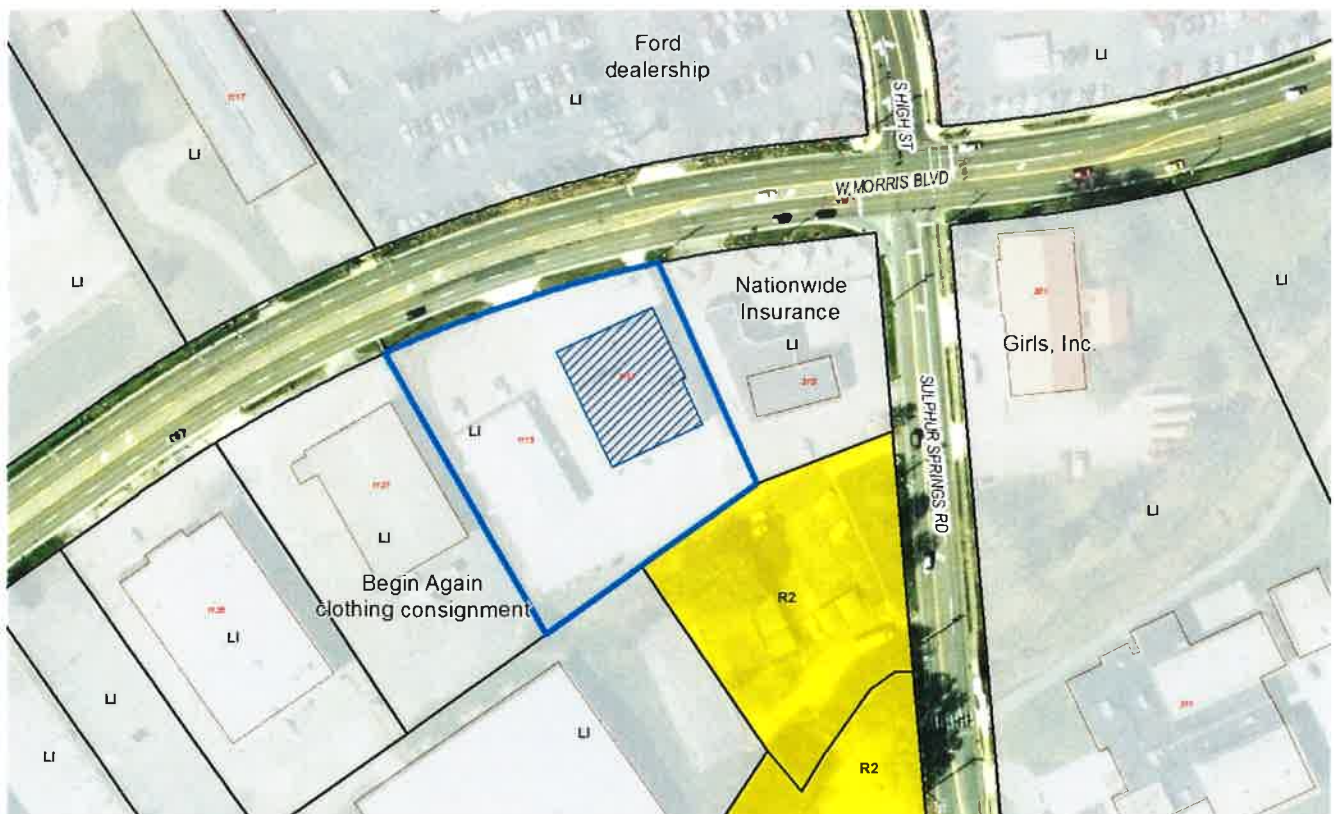
A use on review request has been received from Mr. Ben Williamson on behalf of property owner(s) Ben Williamson and Boyd Caldwell for their property located at 1111 W. Morris Boulevard. The use to be considered is for an automobile sales and detailing business. Per Section 14-1203 of the Zoning Ordinance, automobile sales must meet certain criteria and must receive approval from the Board of Zoning Appeals.

Nearing the intersection of W. Morris Boulevard with Sulphur Springs Road, the one acre site is zoned LI (Light Industrial) which is the predominant zoning designation within this area, the exception being two parcels to the south which are residentially zoned. While zoned for manufacturing, this area is comprised of retail and office type uses. Two buildings currently occupy the site, the building to the west being home to the Fastenal Company and the remaining structure, formerly a NAPA Auto Store, being vacant.

As the property will have two separate businesses, all parking as shown on the graphic site plan attached will be dedicated exclusively for the automotive sales business. 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 site plan submitted by the applicant shows 7 parking spaces to be located along E. Morris and 8 parking spaces to be located perpendicular to the southern property line. Parking for customers only will be 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, the exception to this being the area to the east. This travel aisle will be clearly identified, again, either striped or with signage, to be for one way traffic only.

## RECOMMENDATION -

Staff would recommend approval of this use by the Board of Zoning Appeals as it is compatible with surrounding zoning and land uses.







# City of Morristown

*Incorporated 1855*

## DEPARTMENT OF COMMUNITY DEVELOPMENT & PLANNING



TO: Morristown Regional Planning Commission  
FROM: Lori Matthews, Senior Planner *LM*  
DATE: September 12th, 2017  
SUBJECT: Home occupation request to allow tree service business

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### SUBMITTAL REQUEST -

A request has been received from Mrs. Joann Strazzulo for her property, 609 E. Louise Avenue (Hamblen County Tax Map # 032034P I 02100) which is located at the northwest intersection of Montvue and E. Louise Avenue for a use on review. The applicant is seeking approval to operate a tree trimming business from her residence.

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) though 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 was denied.

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

- 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 or products related to the home occupation.
- There shall be no 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.

Based on the application not meeting the mandatory criteria for a Home Occupation permit, Staff would recommend denial of the new application.



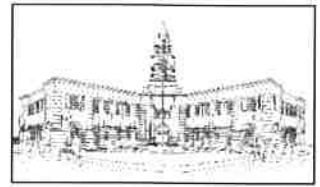




# City of Morristown

Incorporated 1855

DEPARTMENT OF COMMUNITY DEVELOPMENT & PLANNING



TO: Morristown Board of Zoning Appeals  
FROM: Steve Neilson, Planning Director *SN*  
DATE: September 12, 2017  
SUBJECT: Variance – Landscaping in Vehicular Use Areas - 2102-2017

## **BACKGROUND:**

A request has been received for a variance to the Landscape Requirements, Chapter 33, Section 14-3303. D.2.a., Vehicular Use Areas. The petitioner is Rich Product Corporation located at 5701 Commerce Blvd. The property is zoned HI, Heavy Industrial District.

Chapter 33, Section 14-3303. 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 is requesting a variance to the location requirement stating that every parking space must be within 50 feet of a canopy tree. The petitioner states 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 state that although landscaping has many benefits, landscaping attracts birds and other wildlife which can be a detriment to the safety of Rich's bakery products.

Rich Products is instead proposing to plant the 14 required trees along Commerce Blvd. which would improve the public's view of the facility while limiting the potential impact from birds and other wildlife.





The proposed parking lot is the first phase of a large expansion planned to improve the facility. Because the facility is located in the Morristown Airport Industrial District, the proposed site plan and variance request has been reviewed and endorsed by the Industrial Development Board.

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 trees do create a practical difficulty and hardship in that placing trees near the loading bays and work areas can attract birds and other animals which if they entered the building could contaminate their food products. Rich Products is not trying to avoid planting the trees. They intend to plant the 14 trees along Commerce Blvd. which would improve the overall appearance of the facility from the street.

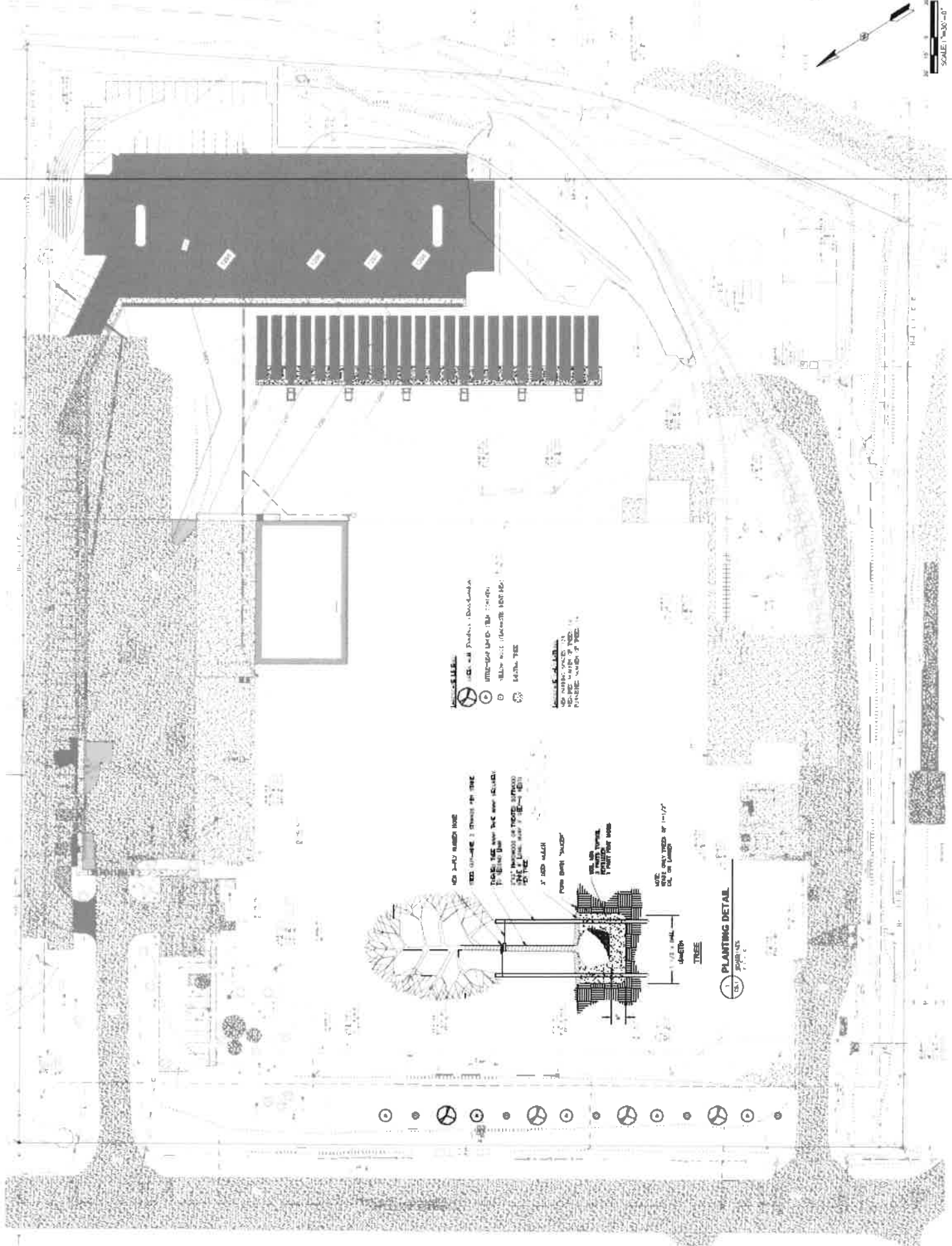
### **RECOMMENDATION:**

Due to the unique circumstances, staff recommends approval of this 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.



**NOTES:**

- 1. USE 3-4" RADIUS IRON
- 2. USE 1/2" x 1/2" x 1/2" x 1/2"
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## ASSOCIATED DESIGN GROUP, INC.

Consulting Engineers & Design Specialists

September 05, 2017  
ADG Project No.: 17874

### Hand Delivered

Steve Neilson  
Planning Director  
City of Morristown  
100 W First North Street  
Morristown, TN 37814

Reference: **Rich Products Corporation – Plant 1**  
**5701 Commerce Boulevard, Morristown, TN 37814**

Subject: **Plant 1 Warehouse and Parking Addition - Landscape Variance Request**

Dear Mr. Neilson:

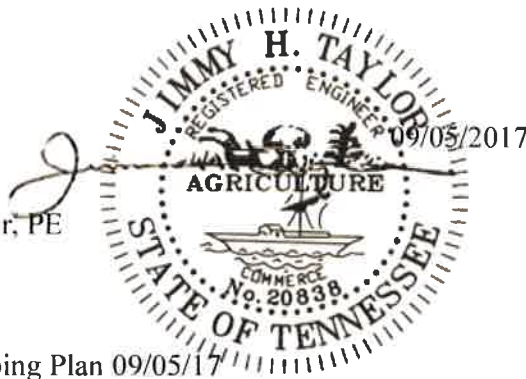
At the owner's request, Associated Design Group, Inc. (ADG) has prepared the attached landscaping plan for your approval. The owner wishes to locate landscaping as shown on the attached plan for the following reasons:

- Rich Products Plan 1 is an FDA regulated facility. While landscaping has many benefits, at a facility of this nature, landscaping's ability to attract wildlife and vermin is a detriment to the safety of Rich's bakery products.
- Rich Products proposes to locate the required trees along the Commerce Blvd side of the facility. This will enhance the public view of the facility from the street and keep the landscaping away from loading docks and work areas where doors are frequently opened, lessening the opportunity for vermin ingress into the facility.

The owner requests that you grant a variance to the landscaping requirements for the above listed reasons and accept and approve the attached landscaping plan for this building and parking addition. If you have any questions, please contact us at (865) 951-2031.

Sincerely,

Jimmy H. Taylor, PE  
President



### Attachments

C5.1 - Landscaping Plan 09/05/17

Z:\Associated Design Group\ADG Projects\17874 Rich Plt Site Dev\Documents\Landscape Variance\170905 Richs Landscape Variance.docx

135 S. David Lane, Knoxville, Tennessee 37922-3483 Business: 865-951-2031 Fax: 865-951-1975

[www.adgtn.com](http://www.adgtn.com)

Industrial Development Board of The City of



P.O. Box 9 • 825 West First North St. • Morristown, TN 37815 • Ph. 423-586-6382

August 1, 2017

Mr. Steve Neilson  
City of Morristown  
P. O. Box 1499  
Morristown, TN 37816

Re: Expansion Plans for Rich Products Corporation

Dear Steve:

At a special called meeting of The Industrial Development Board of the City of Morristown on July 24, 2017, the Board reviewed and approved proposed site plans submitted for Rich Products Corporation Plant #1 in the *Morristown Airport Industrial District*. This proposal includes plans to address issues with drainage, the current employee parking lot as well as a future expansion of employee and trucking parking, and the future addition of a pretreatment facility.

This initial plan was granted the following variances:

1. A one-year variance allowing gravel truck parking at the back of the building.
2. Parking near the eastern property line can extend south on site.
3. Location of the Wastewater Pretreatment Facility can be within the setback as set by the industrial district covenants, but not violate the City's required setback.

Furthermore, the Board recommends to City Planning the following:

1. Allow the relocation of required landscaping in new parking area to the front of the facility.
2. Allow the existing parking encroachment along the eastern side of the site to continue and expand.

Please note the plans submitted were preliminary and final plans are subject to Board approval upon submission.

If you have any further questions regarding this matter, please do not hesitate to call

Sincerely,

A handwritten signature in black ink, appearing to read 'Marshall Ramsey'.

Marshall Ramsey  
Secretary

CTR/jb

Attachments

cc: Mr. Tony Cox  
Mr. Jerry Fortner



**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:** Sept. 1, 2017
2. **Name of Property Owner:** Rich Product Corporation  
Mailing Address: 5701 Commerce Blvd City/State/Zip Morristown TN  
Telephone: (Home) \_\_\_\_\_ (Business) \_\_\_\_\_ (Mobile) \_\_\_\_\_
3. **Name of Applicant:** same as above  
Mailing Address: \_\_\_\_\_ City/State/Zip \_\_\_\_\_  
Telephone: (Home) \_\_\_\_\_ (Business) \_\_\_\_\_ (Mobile) \_\_\_\_\_
4. **Name of Agent** (third party): Jimmy Taylor, President of Associated Design Group  
Mailing Address: 135 S. David Lane City/State/Zip Knoxville, TN 37922  
Telephone: (Home) \_\_\_\_\_ (Business) 865-951-2031 (Mobile) \_\_\_\_\_
5. **Property information:** Street Address: 5701 Commerce Blvd.  
County Tax Map: 048 Group: \_\_\_\_\_ Parcel(s) 081.00  
Current zoning: HI Parcel size: 14.1 acres City/U.G.B. City  
Existing Use: Bakery Plant Proposed Use: same
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: see attached letter  
☐ 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:** See attached letter **Date:** 9/5/17

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: September 12, 2017  
SUBJECT: Variance – Front Yard Setback- 2095-2017 (Morningside Baptist Church)

## **BACKGROUND:**

A request has been received for a variance to the front yard setback from 25 feet to 7.5 feet in order to construct an addition to the Morningside Baptist Church located at 2202 Chestnut Avenue. The property is zoned R-2, Medium Density Residential District.

The church already is 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 proposed addition will not have a negative impact on the 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.



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 this is a unique situation in that the church already encroaches into the setbacks. The proposed addition would allow the expansion of the sanctuary. Requiring the church to construct a new sanctuary somewhere else on the property would create an undue hardship. Approval of this addition will not make the church anymore nonconforming then it already is.

## **RECOMMENDATION:**

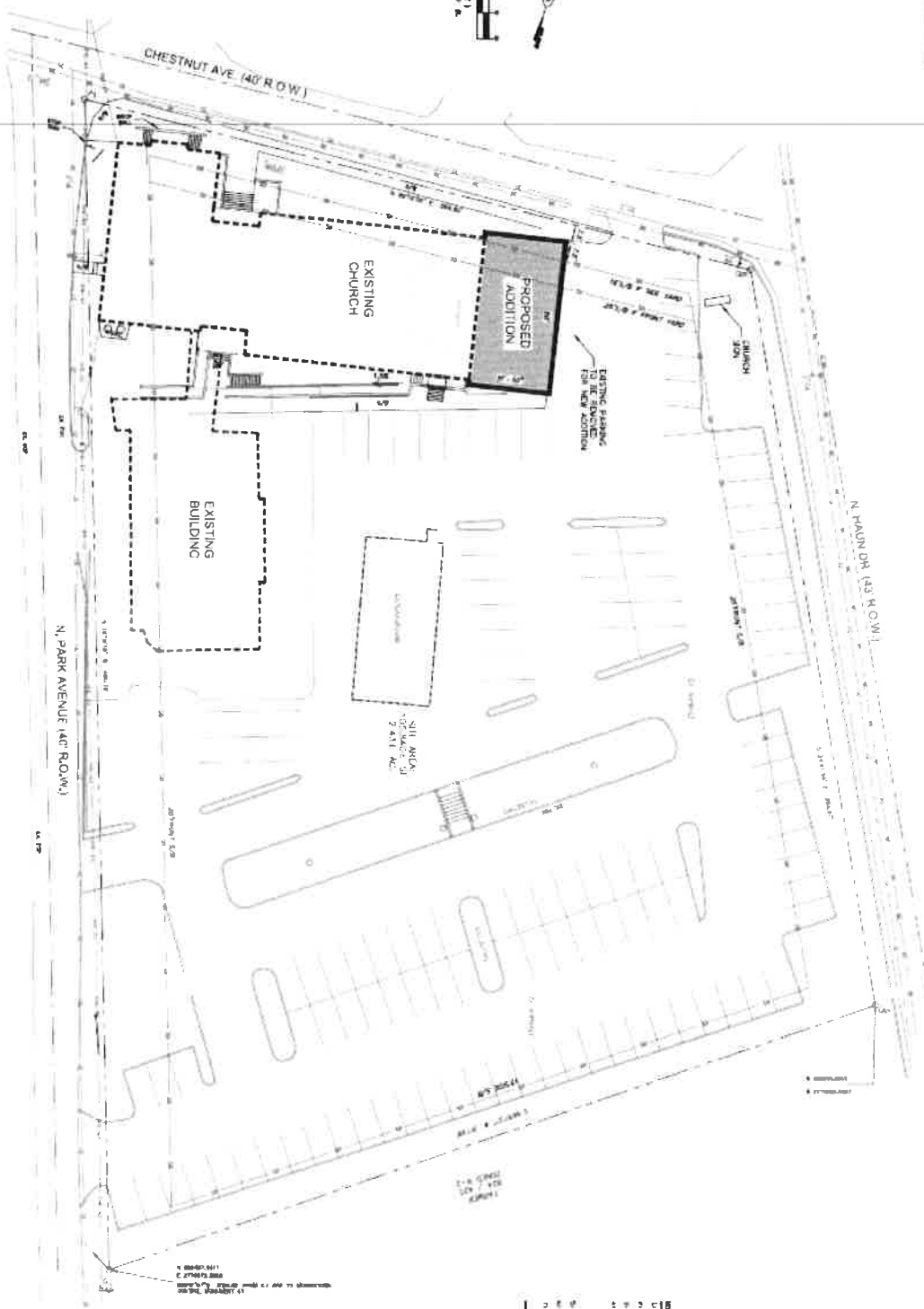
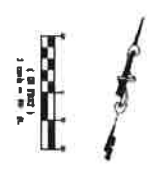
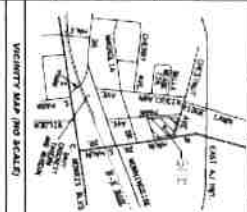
Staff finds that due to the circumstances, this project is unique and would recommend approval of this request.

### Sec. 14-2004. POWERS

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#### a. Variance

To hear and decide applications for a 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.



**PERMIT INFORMATION**

PROJECT NO.	2018-001
DATE OF PERMIT	08/15/2018
PROJECT NAME	Morningside Baptist Church Addition
OWNER	Morningside Baptist Church
DESIGNER	John Doe & Associates
CONTRACT NO.	123456
CONTRACT DATE	07/01/2018
CONTRACT VALUE	\$150,000.00
PERMIT TYPE	Building
PERMIT AREA	1.25 Acres
PERMIT DURATION	12 Months
PERMIT FEE	\$1,200.00
REMARKS	See attached plans for details.

**PROPOSED CHANGES**

NO.	DESCRIPTION	REASON	APPROVED
1	Proposed Addition	Expansion of church facilities	Yes
2	Removal of Existing Parking Lot	Re-use of space for new addition	Yes
3	New Parking Lot	Additional parking for congregation	Yes
4	Landscaping	Improve curb appeal	Yes
5	Site Lighting	Enhance safety and security	Yes

- NOTES:**
1. The proposed addition is shown in solid black.
  2. The existing church building is shown in dashed lines.
  3. The existing parking lot is shown in hatched lines.
  4. The new parking lot is shown in white.
  5. The site lighting is shown in circles with 'X' marks.
  6. The landscaping is shown in wavy lines.
  7. The site is bounded by N. Park Avenue to the west and N. Main St to the east.
  8. The site is bounded by Chestnut Ave to the north and N. 1st St to the south.
  9. The site is bounded by 100' to the west and 100' to the east.
  10. The site is bounded by 100' to the north and 100' to the south.

**LEGEND**

[Solid Black]	PROPOSED ADDITION
[Dashed Line]	EXISTING CHURCH
[Hatched]	EXISTING PARKING LOT
[White]	NEW PARKING LOT
[Circle with X]	SITE LIGHTING
[Wavy Line]	LANDSCAPING







STUDIO **FOUR** DESIGN PLANNING GRAPHICS ARCHITECTURE + INTERIORS  
**MORNINGDSIDE BAPTIST CHURCH**  
Conceptual Design Package  
JUNE, 01 2017  
CLIENT NOTES



STUDIO  
**FOUR**  
DESIGN





# City of Morristown

Incorporated 1855

DEPARTMENT OF COMMUNITY DEVELOPMENT & PLANNING



TO: Morristown Board of Zoning Appeals  
FROM: Josh Cole, Planner *JC*  
DATE: September 12, 2017  
SUBJECT: Variance – Detached Accessory Structure Location

## **BACKGROUND:**

A request has been received from T. Phillip Carlyle for a variance to Section 14-212, the “Location of Detached Accessory Buildings on Residential Lots.”

Section 14-212 states:

“... No detached accessory building shall be within sixty (60) feet of the property line.”

The petitioner, located at 2182 Brights Pike and zoned R2 (Medium Residential District), has placed a pool on their property and is requesting a 12 foot variance to above noted front property line setback, from the required 60 feet to 48 feet. The petitioner states that the pool cannot be moved further back because of topographic restraints associated with the property (an uphill slope).



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.

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**RECOMMENDATION:**

After reviewing the request and visiting the associated property, staff does not support this request as there is adequate room to place a pool or other detached accessory structure on the property and meet the required 60' setback.

**Sec. 14-2004. POWERS**

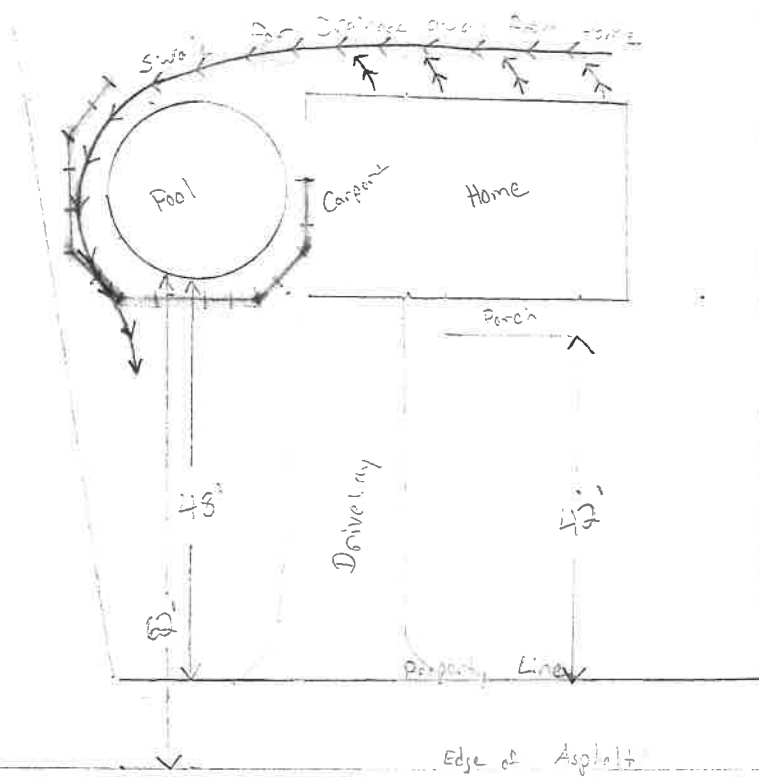
a. Variance

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.



2186 Brights Pike

Slope of Back Street @ 3:1. Installation of 6" pipe  
 5' to 6' long along back



Proposed New  
 6" to 8" Sewer  
 Drainage  
 Sewer

Brights Pike