

**MORRISTOWN BOARD OF ZONING APPEALS
AGENDA
May 9, 2017**



Call to Order

I. Approval of April 11, 2017 minutes

II. Old Business: none

III. New Business:

A. Use-on-Review:

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

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

B. Variances: none

C. Interpretations: none

Adjournment

The next meeting of the Morristown Board of Zoning Appeals is scheduled for June 13, 2017 at 4:00 PM. The deadline to submit applications for this meeting is May 15, 2017.

Morristown Board of Zoning Appeals

Minutes

April 11, 2017

Members Present

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

Members Absent

Board Member Bill Thompson

Others Present

Lori Matthews, Senior Planner
Ralph "Buddy" Fielder, Asst. City Administrator
Steve Neilson, Planning Director
Greg Ellison, Chief Building Official
Terry Ball
T. Phillip Carlyle
Ritchie Broyles
Clint Harrison

I. Election of Officers:

Planning Director Steve Neilson stated that the first item on the agenda was the Election of Officers. Vice Chairman Kennerly nominated Commissioner Neal for Chairman of the Board of Zoning Appeals and she respectfully declined the nomination.

Vice Chairman Kennerly then nominated Board Member Thompson for the position and it was seconded by Board Member Beelaert.

Board Member Beelaert moved for a motion that the nomination of Board Member Thompson for Chairman of the Board of Zoning Appeals stand and that it should be made official by all ayes of a voice vote.

Upon voice votes, all Ayes. Board Member Bill Thompson was officially elected to the Chairman of the Board of Zoning Appeals.

II. Vice Chairman Kennerly called for the approval of the March 14th, 2016 minutes.

Commissioner made a motion for approval of the March 14th, 2016 minutes; seconded by Commissioner Thompson. Upon voice votes, all Ayes.

III. Old Business: None

IV. New Business:

A. Use-on-Review:

UORV-2043-2017: 171 Algonquin Drive to allow multiple buildings on 1 lot

Planning Director Steve Neilson discussed the request that was submitted by Oakes Salvage which is located at 171 Algonquin Drive. The applicant, Tim Oakes proposed a PUD for a multiple building development. The property is currently zoned IB (Intermediate Business).

Mr. Neilson stated that the members of the board should recall that this property came before them in January as a use-on-review to allow a building material yard. The lot was already graded and already had gravel put down. The petitioner installed a 10 foot tall fence that surrounds the whole property. He currently requested that he be allowed to build two structures on the lot. The first proposed structure would be a one-story, 6,400 square foot building. The other proposed structure would be a one story, 4,800 square foot storage shed. Being one story and the way that the property slopes down, it would most likely not be visible from the street.

The buildings would meet setbacks and they would provide landscaping. A row of evergreen trees would be put up on the side that has multiple family residences adjacent to them. The plan met the requirements of the zoning code and Staff recommended approval of this request.

Vice Chairman Kennerly called for a motion. Commissioner Neal made a motion for approval and it was seconded by Mayor Chesney.

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

B. Variances:

VARI-2040-2017: Merchants Greene Blvd. Texas Roadhouse landscape regulations

THIS ITEM WAS WITHDRAWN BY THE APPLICANT

VARI-2041-2017: 4327/4329 W. Andrew Johnson Hwy. Dumpster Screening

Planning Director Steve Neilson discussed the request for a variance to Section 14-3304.F.1.b. and c. of the Landscape Regulations requiring all four sides of the dumpster being screened. The plan was previously approved, but the dumpsters are in slightly different location than what was originally submitted. Also, at that time, the dumpsters were fully screened with gates. The petitioner is arguing that the dumpsters cannot be seen from the new Walmart or Andrew Johnson Highway. However, if you were to look on Bellwood, you would see them clearly. Staff found no justification for a variance in this case. There is no topographic or unusual shape of the property that would warrant a variance. Staff recommended **denial** of this request.

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

Board Member Beelaert ask Mr. Neilson how this happened and if the applicant turned in a revised plan for the dumpsters. Mr. Neilson replied that there were no revised plans submitted.

Vice Chairman Kennerly called for a vote and restated that a vote of yes will indicate that the applicant's request for a variance will be approved and a vote of no will indicate denial of this request.

Voting Results: 0 yes; 6 no. Motion fails. The applicant's request for a variance was denied.

C. Interpretations: None

The meeting was adjourned.

Respectfully submitted,

Bob Garrett

Secretary

BG/jc

City of Morristown

Incorporated 1855

DEPARTMENT OF COMMUNITY DEVELOPMENT & PLANNING



TO: Morristown Board of Zoning Appeals
FROM: Steve Neilson, Planning Director
DATE: May 9, 2017
SUBJECT: Home Occupation request for in home office for a drone photography business

BACKGROUND:

A request has been received from Mr. 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 is to operate from the owner's principal domicile with not more than 25% of it being dedicated to the business. The applicant meets the requirements under Section 14-228 Home Occupation guidelines.



RECOMMENDATION:

Staff recommends approval of the request for the Home Occupation.

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.

5. Appeals to the revocation of a home occupation permit shall be made in writing to the Board of Zoning Appeals within seven (7) calendar days of the date of the revocation notice. A timely filed appeal shall result in the revocation action being held in abeyance pending the hearing by the Board of Zoning Appeals.

6. A notice of application for appeal shall be posted by the city on the applicable property.

7. A public notice shall be published in a newspaper of general circulation advertising the nature of the appeal and the date, time and location at which the Board of Zoning Appeals shall consider the issue.

8. An appeal hearing before the Board of Zoning Appeals shall be limited to the issue of whether the applicant complies with the criteria to be issued a home occupation permit or whether a permit holder continuously meets the criteria required for the issuance of a home occupation permit.

9. The Board of Zoning Appeals shall not grant a variance from the established criteria for the issuance of a home occupation permit.

10. The Board of Zoning Appeals shall not hear an appeal that is not timely filed as provided in this Section.

(Highlighted parcels notified of request)

HOME OCCUPATION PERMIT APPLICATION

Please include the standard Board of Zoning Appeals application with your request. Home Occupation is considered a use on review under 'Nature of Request'. **There is a \$50.00 application fee.**

TO BE COMPLETED BY APPLICANT:

1. Applicant Name(s): Jim Willis
2. Name of Business: Crystal Clear Drone Services
3. Address: 601 Windridge Lane
4. Subdivision Name if Applicable: Vantage View
5. Is the proposed use in compliance with all private deed restrictions, covenants, homeowners association rules and/or subdivision polices? Yes No
6. Phone Number(s): 423-312-6010
7. Fax or email: 1WJim@Charter.Net
8. What is the nature of the business that is proposed (be specific and attach letter of explanation if necessary)? off premises Drone Photography
9. **The following conditions must be met for approval of a Home Occupation Permit. Please read carefully and place a check mark next to each entry signifying acknowledgement of conditions and that the proposed Home Occupation will meet all conditions:**

- a. The location for the home occupation is the principal domicile or permanent residence of the applicant(s) as demonstrated by the same address shown on applicant's valid driver's license and/or voter's registration card.
- 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.

- 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 hour 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.
10. To COMPLETE the application, 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 Morristown, stating their agreement to comply with the standards set forth herein (See Below)



City of Morristown

Incorporated 1855

DEPARTMENT OF COMMUNITY DEVELOPMENT & PLANNING



TO: Morristown Board of Zoning Appeals
FROM: Steve Neilson, Planning Director
DATE: May 9, 2017
SUBJECT: Use on Review for an auto repair shop at 1137 E. Main Street (UORV 2053-2017)

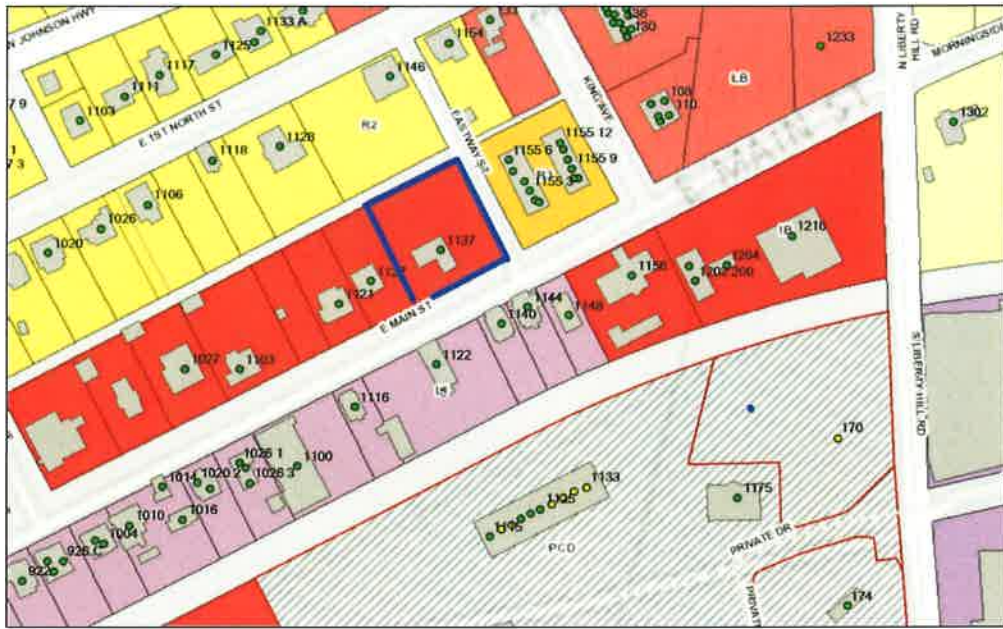
BACKGROUND:

A request has been received from Mr. Angelino Bautista Lopez for a Use on Review to allow an automotive repair shop on property located at 1137 E. Main Street. The property is zoned IB-Intermediate Business District.



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





RECOMMENDATION:

The proposed use is allowed in the IB District and is consistent with other automobile oriented uses along the corridor. 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:** 4/26/17

2. **Name of Property Owner:** Management Properties, Inc.
Mailing Address: 901 N. Roan St. City/State/Zip Johannson City, TN 37601
Telephone: (Home) _____ (Business) _____ (Mobile) (423) 434-4219

3. **Name of Applicant:** Angelina Bautista Lopez
Mailing Address: 4471 E. Andrew Johnson Hwy ^{Lot #32} City/State/Zip Morristown, TN 37814
Telephone: (Home) _____ (Business) _____ (Mobile) (423) 327-6281

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

5. **Property information:** Street Address: 1137 E. Main St.
County Tax Map: _____ Group: _____ Parcel(s) _____
Current zoning: _____ Parcel size: _____ City/U.G.B. _____
Existing Use: _____ Proposed Use: Automotive

6. **Nature of Request:** (please circle)
 a) Use on review (\$50.00 Fee) Automotive repair & glass & new/used tires in IB zone.
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:** Angelina Bautista Lopez **Date:** 4/26/17

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).