

**MORRISTOWN BOARD OF ZONING APPEALS
AGENDA
August 14, 2018**



Call to Order

I. Approval of June 12th, 2018 minutes

II. Old Business: none

III. New Business:

UORV-2216-2018: Request for a Dog Grooming Home Occupation @1012 Lloyd St.

Adjournment

The next meeting of the Morristown Board of Zoning Appeals is scheduled for September 11, 2018 at 4:00 PM. The deadline to submit applications for this meeting is August 20, 2018.

**Morristown Board of Zoning Appeals
Minutes from June 12th 2018**

Members Present

Chairman Bill Thompson
Vice-Chairman Jack Kennerly
Secretary (Councilman) Bob Garrett
Board Member Wanda Neal
Board Member Frank McGuffin
Board Member (Mayor) Gary Chesney
Board Member Jim Beelaert

Others Present

Steve Neilson, Community Development Director
Lori Matthews, Senior Planner
Josh Cole, Planner

Chairman Bill Thompson called the meeting to order and asked if there was a motion to approve the minutes from the April 10th 2018 meeting.

Board Member Beelaert made a motion to approve the minutes as submitted; this was seconded by Board Member Wanda Neal.

I. Variance Request for Lochmere Development – 2308 Ella Court

Ms. Matthews stated a variance request had been submitted by Mr. Tej Patel for his property located in Phase VI of the Lochmere development located on the north side of Cherokee Drive. Mr. Patel seeks a 2 foot side yard variance (1 foot for per side) for his property located at 2308 Ella Court (Lot 20). Jim Beelaert made a motion to grant the variance; Mr. Garrett seconded the motion. Board Member Kennerly asked what setbacks were shown on the subdivision plat vs. zoning required setbacks. He stated that the setbacks to be varied from should be from the required 20 foot street setbacks meaning the submittal should be a 19 foot variance from the street side lot line not a simple 1 foot variance. Change from the original intent of the plat would necessitate the applicant follow current zoning standards. Jim Beelaert asked if the intent was to build a house or duplex. Ms. Matthews stated two separate houses were to be built, one on Lot 19 and one on Lot 20. Chairman Thompson asked if the (lot) line between Lot 19 and 20 could be moved to accommodate more space on the subject lot. Discussion ensued on whether a house could be built on such a small building footprint; possibly the applicant needed to go back to the design professional for a better plan. Mr. Beelaert asked to withdraw his original motion to approve and made a motion to table the request for additional information. Board Member Wanda Neal seconded the motion. Vote was taken (unanimously) to table the request until additional information could be received by the applicant.

II. Variance Request for Walden Place – 3434 Walden Drive

Ms. Matthews stated a variance request has been submitted by Lakeview Management and Development for lot 11 of Walden Place subdivision located off of Central Church Road. Mr. Eddie Hurley is acting agent for the submittal. Walden Place subdivision adjoins Hamilton Place (condominiums) to the north and Parke Villas (townhomes) to the south. Originally planned for multi-family condominiums, the Planning Commission approved a revised subdivision plat in 2015 which included 11 single family residential lots, a decrease of 10 units from the original planned unit development which showed 21 condominiums. The subdivision and surrounding Lot 11 (shown below) are zoned R-2 (Medium Density Residential) which requires a minimum 25 foot building setback from the front property line. The applicant is requesting a 1.7 foot variance to this requirement. The east side of Lot 11 contains numerous utility easements, of which the sum total encompasses roughly 1/3 of the entire property. Due to the topographic restrictions on the property, Staff would recommend the BZA approve the variance as requested. Board Member McGuffin made the motion to grant the variance as requested; Board Member Beelaert seconded the motion. Vote was taken (unanimously) to grant the front yard setback as submitted.

There being no further business to conduct, the meeting was adjourned.

Respectfully submitted,

Jack Kennerly, Secretary


JK/lm

City of Morristown

Incorporated 1855

DEPARTMENT OF COMMUNITY DEVELOPMENT & PLANNING



TO: Morristown Board of Zoning Appeals
FROM: Josh Cole, Planner 
DATE: August 14th, 2018
SUBJECT: Use Permitted on Review for a Dog Grooming Home Occupation

BACKGROUND:

A request has been received from Donnetta Goodson for a Use Permitted on Review to operate a dog grooming business from her residence. The applicant has previously ran a dog grooming business, "Cuddle and Fluff," out of a location off of S. Cumberland.

This request must receive BZA approval because customers will bring their dogs to her residential unit. However, she did state that her business will entail servicing only one customer at a time and leaving a gap between appointments to ensure that no more than one customer would be at her residence at any given time.



The applicant has provided staff a notarized home occupation application agreeing to all the terms and conditions stated under Section 14-228 Home Occupations, which is listed below.

14-228. HOME OCCUPATION (3584-08/01/2017)

1. A Home Occupation Permit is required for any business requiring a State Business license which is conducted within the premise of any occupied domicile or accessory structure.
2. An applicant for a home occupation permit shall submit an application to the Planning Staff 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. A home occupation must 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.

An applicant for a home occupation permit which involves the above listed criteria and involves employees, clients, or students must be approved by the Board of Zoning Appeals. All other home occupation permits may be approved administratively by staff.

5. 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.

6. 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.
 - a. A notice of application for appeal shall be posted by the city on the applicable property.
 - b. 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.
 - c. 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.
 - d. The Board of Zoning Appeals shall not grant a variance from the established criteria for the issuance of a home occupation permit.
 - e. The Board of Zoning Appeals shall not hear an appeal that is not timely filed as provided in this Section.

RECOMMENDATION:

Staff recommends approval of this Home Occupation as the applicant has agreed to all the terms and conditions required of such and servicing only one customer at a time will result in minimal impact on the surrounding residential dwellings. Additionally, it should be noted that violation of said terms and conditions can result in the revocation of the permit.

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'.

TO BE COMPLETED BY APPLICANT:

1. Applicant Name(s): Donnetta Goodson
2. Name of Business: Cuddlz And FLUFF
3. Address: 1012 Lloyd St
4. Subdivision Name if Applicable: _____
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): 423 736-5754
7. Fax or email: ds4paws@gmail.com
8. What is the nature of the business that is proposed (be specific and attach letter of explanation if necessary)? Groom dogs

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.

- d. No more than one home occupation will be conducted on the premises of the home occupation site.
- 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 alternations 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 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 property owner(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)

11. In addition, To COMPLETE the application, the applicant 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)

**AFFIDAVIT OF ZONING COMPLIANCE FOR A HOME OCCUPATION
SECTION 14-228
ZONING ORDINANCE OF THE CITY OF MORRISTOWN, TENNESSEE**

I, the undersigned, hereby swear to affirm that I am the property owner of the subject property for which this application is being made and that the current tenant is applying for a Business License from the City of Morristown, Hamblen County, TN and that I understand the section of the Zoning Ordinance that pertains to:

Section 14-228 Home Occupation

and that I officially acknowledge that it is the responsibility of the tenant of the subject property to make sure that the BUSINESS is conducted within the parameters of these regulations.

Signed this 23 day of July (month) 2018 (year)

Donetta Boocom
Property Owner(s)

1012 Lloyd St
Address of Home Application

Morristown, TN 37814
Zip Code

State of Tennessee
County of Hamblen

Personally appeared before me, a Notary Public, for said state and county,

Donnetta Goodson, who affirmed the information and executed the instrument hereinabove for the purposed contained herein.



Katherine Morlak
Notary Public

8/27/2019
Expiration Date