

**MORRISTOWN BOARD OF ZONING APPEALS**  
**AGENDA**  
**January 9, 2018**



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**Call to Order**

**I.** Approval of December 12<sup>th</sup>, 2017 minutes

**II.** Old Business: none

**III.** New Business:

Uses-on-Review:

UORV-2142-2017: Request to allow PW facility in IB @ 619 Howell Road

UORV-2146-2017: Place of Worship in IB @ 2808 West A.J. Highway

UORV-2147-2017: Auto Repair in IB @ 112 East 5<sup>th</sup> North Street

Variances:

Multiple variances @ 2961 Millers Point

**Adjournment**

*The next meeting of the Morristown Board of Zoning Appeals is scheduled for February 13, 2018 at 4:00 PM. The deadline to submit applications for this meeting is January 15, 2018.*

# Morristown Board of Zoning Appeals

## Minutes

December 12, 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

Todd Carter

Raymond Williams

Todd and Dottie Wright

Hix Masengill

Glen Fox

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

### **I. Chairman Bill Thompson called for the approval of the November 14<sup>th</sup>, 2017 minutes.**

Vice Chairman Kennerly made a motion for approval of the November 14<sup>th</sup>, 2017 minutes and it was seconded by Board Member Neal. Upon voice votes, all Ayes.

### **II. Old Business: None**

### **III. New Business:**

#### **Approval of the 2018 Meeting Dates and Deadline Schedule**

Board Member Beelaert made a motion for approval of the 2018 Meeting Dates and Deadline Schedule and it was seconded by Board Member McGuffin. Upon voice votes, all Ayes.

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

##### **UORV-2139-2017: New Church @ 4910 West A.J. Highway**

Planner Josh Cole discussed the request that was received from Mr. Jason Saylor, acting on behalf of JW Congregation Support, to allow a Place of Worship at 4910 West A.J. Highway.

The property is 1.27 acres in size and is currently undeveloped. The property has an Enterprise car rental agency across Andrew Johnson Highway, a Consumer Credit Union to the west across Brentwood Drive, and a car lot to the east. The applicant provided a concept plan containing a one story building that is 2,832 square feet and provided 1 parking space per 3 seats for a total of 45 spaces, which are more spaces than required by our code.

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

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

Mayor Chesney asked if this was an existing church. Todd Carter came forward and stated that he represented the JW Congregation Support. He also stated that this was an existing church in town but he did not have the address in front of him.

Glen Fox came forward and stated that he is the owner of the property next door at 4860 West A.J. Highway. He stated that he was concerned that he would not be able to sell his property that is currently on the market if a church moves in next door. He stated the reason he feels this way is because his property would need a liquor license and he feels like the church could oppose it. Josh assured him that the church would not be able to oppose the liquor license in the future.

Hix Masengill of Century 21 Realtors came forward and stated that the church would create very little traffic one or two days a week and any other business would create far more traffic than a church. He also stated that a church would not affect the value of Mr. Fox's property value when he goes to sell it.

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

## **UORV-2140-2017: Auto Sales @ 828 East Morris Boulevard**

Planner Josh Cole discussed the request that was received from Marlene Trujillo for a use permitted on review to allow a used automobile sales agency to be placed on property located at 828 East Morris Boulevard. The property is currently zoned Intermediate Business district.

The proposed site is a 0.28 acre parcel that is paved with one office building on the lot. It contains a car lot to the east, a State Farm agency to the west, and warehouses across East Morris Boulevard. The lot has recently been utilized as a Budget Truck Rental Agency and as an automobile sales agency. The applicant provided a site plan that meets our zoning requirements as it illustrated room for an inventory of 15 automobiles for sale and 3 customer parking spaces with adequate space on the lot to handle two-way traffic.

Staff recommended approval of this proposed request.

Board Member Beelaert made a motion to approve this use on review request and it was seconded by Mayor Chesney.

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

### **Other:**

Eddie Davis came forward and stated that he assumed he would be on the agenda although he had requested to withdraw the item at the previous meeting in November. At the last meeting, Chairman Thompson had asked Mr. Davis to send something in writing to the Planning Department that stated his withdrawal request. Mr. Davis stated that he assumed since he did not turn in any such letter that he would automatically be on this month's agenda.

Planning Director Steve Neilson stated that this was not the case and Mr. Davis would still need to get approval for a use on review if Mr. Fox still wanted to invite the public onto the property. Mr. Neilson also stated that Mr. Fox could start storing items on the property as long as no one from the public is admitted and that Mr. Fox needs to get in contact with the Chief Building Official to schedule an inspection of the inside of the building.

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: Josh Cole, Planner   
DATE: January 9<sup>th</sup>, 2018  
SUBJECT: Use Permitted on Review for a Governmental Building (Public Works Facility) in the Intermediate Business District.

## **BACKGROUND:**

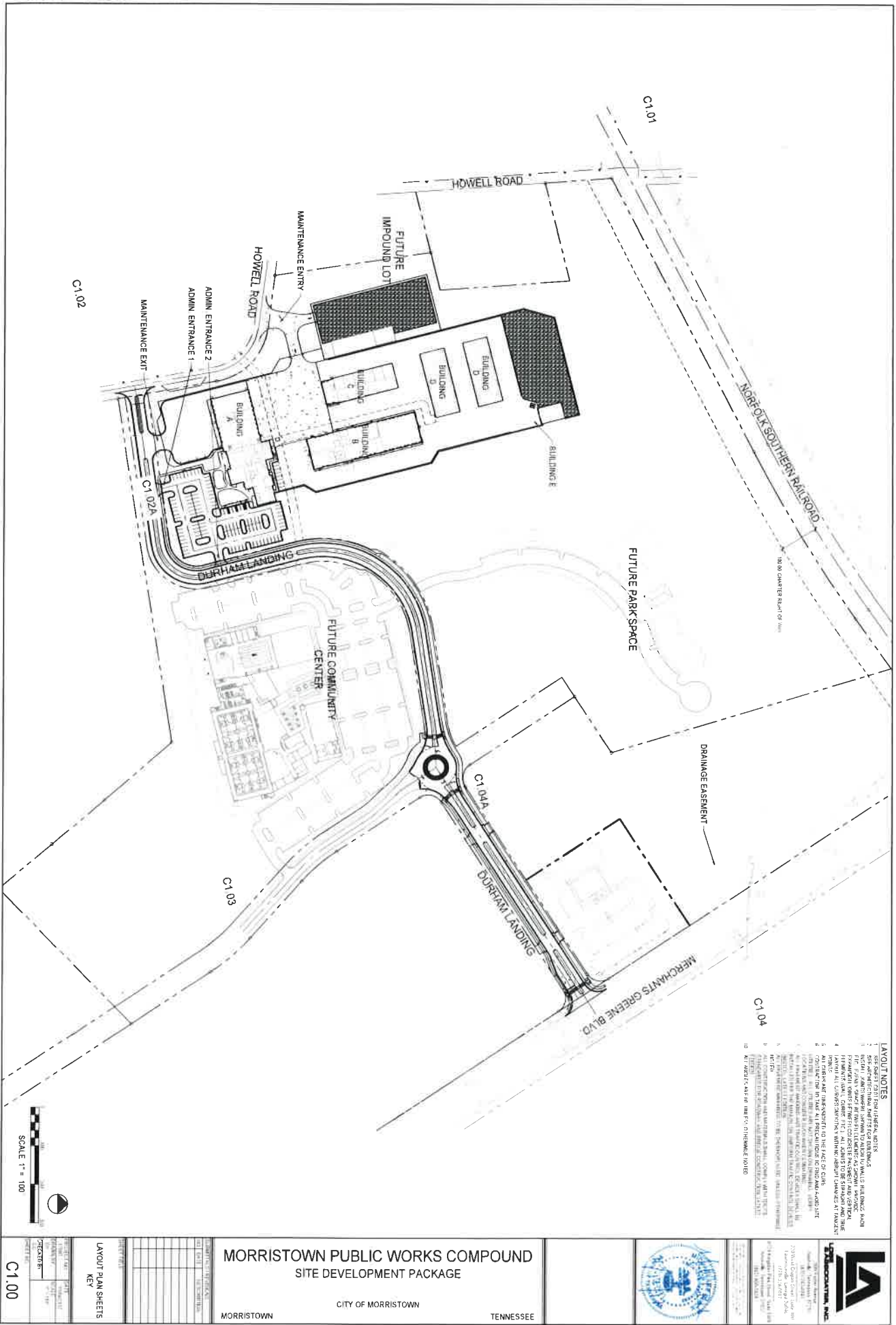
A request has been received from the City of Morristown for a Use Permitted on Review to allow a governmental building, the proposed Public Works facility, to be constructed at 619 Howell RD. The property is currently zoned IB- Intermediate Business District.



The proposed site is a 55.44 acre parcel that will contain the proposed public works facility along with a future community center and the proposed Durham Landing road. The site has the Merchants Greene Development to the north, residential use to the west, and the future Dr. Melling office to the east.

## **RECOMMENDATION:**

The Public Works facility is a governmental building and is allowed in the Intermediate Business as a use permitted on review. Staff recommends approval of the proposed request.



C1.04

- LAYOUT NOTES**
1. SEE ARCHITECTURAL SHEETS FOR BUILDINGS
  2. SEE ARCHITECTURAL SHEETS FOR BUILDINGS
  3. SEE ARCHITECTURAL SHEETS FOR BUILDINGS
  4. SEE ARCHITECTURAL SHEETS FOR BUILDINGS
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  9. SEE ARCHITECTURAL SHEETS FOR BUILDINGS
  10. SEE ARCHITECTURAL SHEETS FOR BUILDINGS

**MORRISTOWN PUBLIC WORKS COMPOUND  
SITE DEVELOPMENT PACKAGE**

MORRISTOWN CITY OF MORRISTOWN TENNESSEE



**ENGINEER**  
[Signature]  
[Stamp]

**ARCHITECT**  
[Signature]  
[Stamp]

NO.	DATE	REVISION
1	10/1/10	ISSUED FOR PERMIT
2	10/1/10	ISSUED FOR PERMIT
3	10/1/10	ISSUED FOR PERMIT
4	10/1/10	ISSUED FOR PERMIT
5	10/1/10	ISSUED FOR PERMIT
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10	10/1/10	ISSUED FOR PERMIT

C1.00

# City of Morristown

Incorporated 1855

DEPARTMENT OF COMMUNITY DEVELOPMENT & PLANNING



TO: Morristown Board of Zoning Appeals  
FROM: Josh Cole, Planner *JC*  
DATE: January 9<sup>th</sup>, 2018  
SUBJECT: Use Permitted on Review Request for a Church in the Intermediate Business District

## **BACKGROUND:**

A request has been received from Mr. Randy Rosenbalm, acting on behalf of "The Church at Morristown," to allow a church at 2808 W. Andrew Johnson Hwy. This property is currently zoned Intermediate Business (IB).



The proposed location is a portion of a 54,584 square foot shopping center that currently contains a Goodwill Store, Dollar General Store, and ETHRA along with a stand-alone Subway Restaurant. Additionally, the former K-Mart building is across W. Economy RD, Lowe's Home Improvement and Taco John's sits to the east, and a car-wash, offices, and Buffalo Wild Wings is across W. Andrew Johnson HWY.

The requested portion of the center contains 5,817 square feet. There are a total of 271 parking spaces for the parcel, which is more than adequate to handle the current tenant requirements of 228 spaces and a proposed maximum church congregation of 120, which requires 30 parking spaces (1 per 4 seats). Previous discussions with Mr. Rosenbalm indicated that the church currently has around 20 members, thus, this site provides the church with plenty of room to handle its current congregation along with the ability to grow in the future.

**RECOMMENDATION:**

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



MICHAEL D. PRICE, ARCHITECT  
208 E. 1ST NORTH ST. • SUITE 1  
MCRRISTOWN, TN 37814  
423-581-5063  
orchitectm@musiber.com

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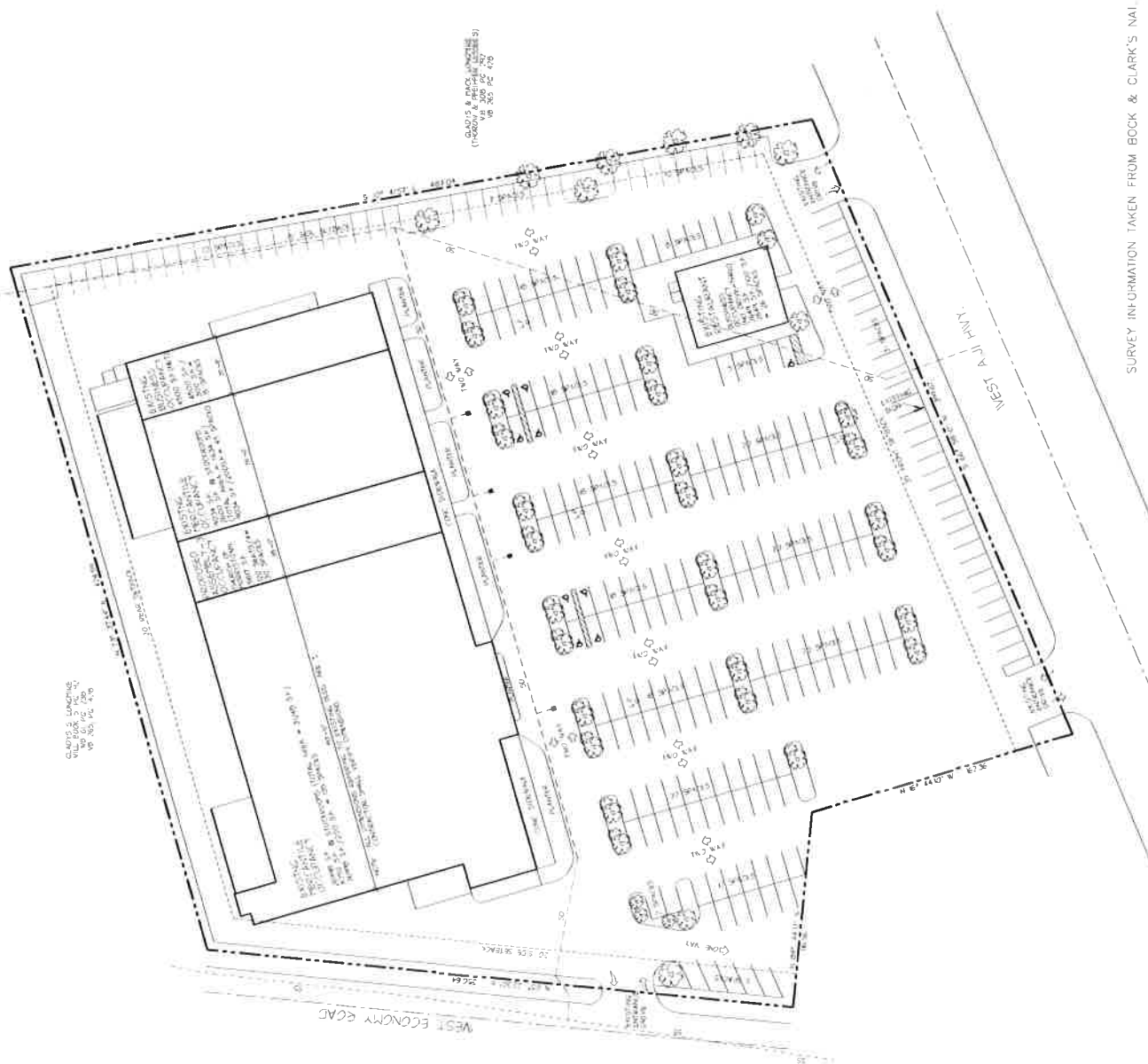


# SITE PLAN

0 30 60 90 FEET  
 GROSS BLDG AREA 54,584.13 SF  
 SITE AREA: 230,083 SF / 5,282 AC  
 ZONING - IB  
 271 EXISTING PARKING SPACES  
 251 REQUIRED PARKING SPACES

## LOCATION

MAP 41H  
1ST CIVIL DISTRICT  
HAMBLEN COUNTY, IN  
MORRISTOWN, IN  
W. A. J. HWY.  
PROPERTY OWNER: BUNCH  
SURVEY DATED 08/04/95



# City of Morristown

Incorporated 1855

DEPARTMENT OF COMMUNITY DEVELOPMENT & PLANNING



TO: Morristown Board of Zoning Appeals  
FROM: Lori Matthews, Senior Planner  
DATE: January 9<sup>th</sup> 2018  
REQUEST: Use on review for auto repair in IB district

## **BACKGROUND:**

A use on review request has been submitted by Mr. Joseph Brown on behalf of property owner Mr. Eric Heidel for his property located at 112 E. 5<sup>th</sup> North Street. The property is currently zoned IB (Intermediate Business) which requires automobile repair be approved by the Board of Zoning Appeals.

The property is small (80' x 70') and contains a three bay building with access from E. 5<sup>th</sup> North Street. Retail surrounds the site along the north, west and south (title loan, herbal life/convenience store, auto sales), all commercially zoned. Vacant residentially zoned land adjoins the site to the east with properties to the northeast and southeast being zoned the same.

This location has, in the past, been utilized for an auto repair business but the business was not in compliance with much of City code and had operated for a number of years with no City business license. As seen from the photo below, vehicles were stored in excess both on this site and the vacant parcel to the east.



While this is still an area of concern to Staff, the submitted site plan shows a total of 7 parking spaces which meets current parking regulations for this type of use and provides the necessary 24 foot ingress/egress from the site. The applicants' have cleaned up much of the debris left by the former tenant. The existing building seems clearly to have been built for some form of repair shop use. The property itself is so small, that, even were the building razed, no other structure could be built to meet IB building setback requirements.

**RECOMMENDATION:**

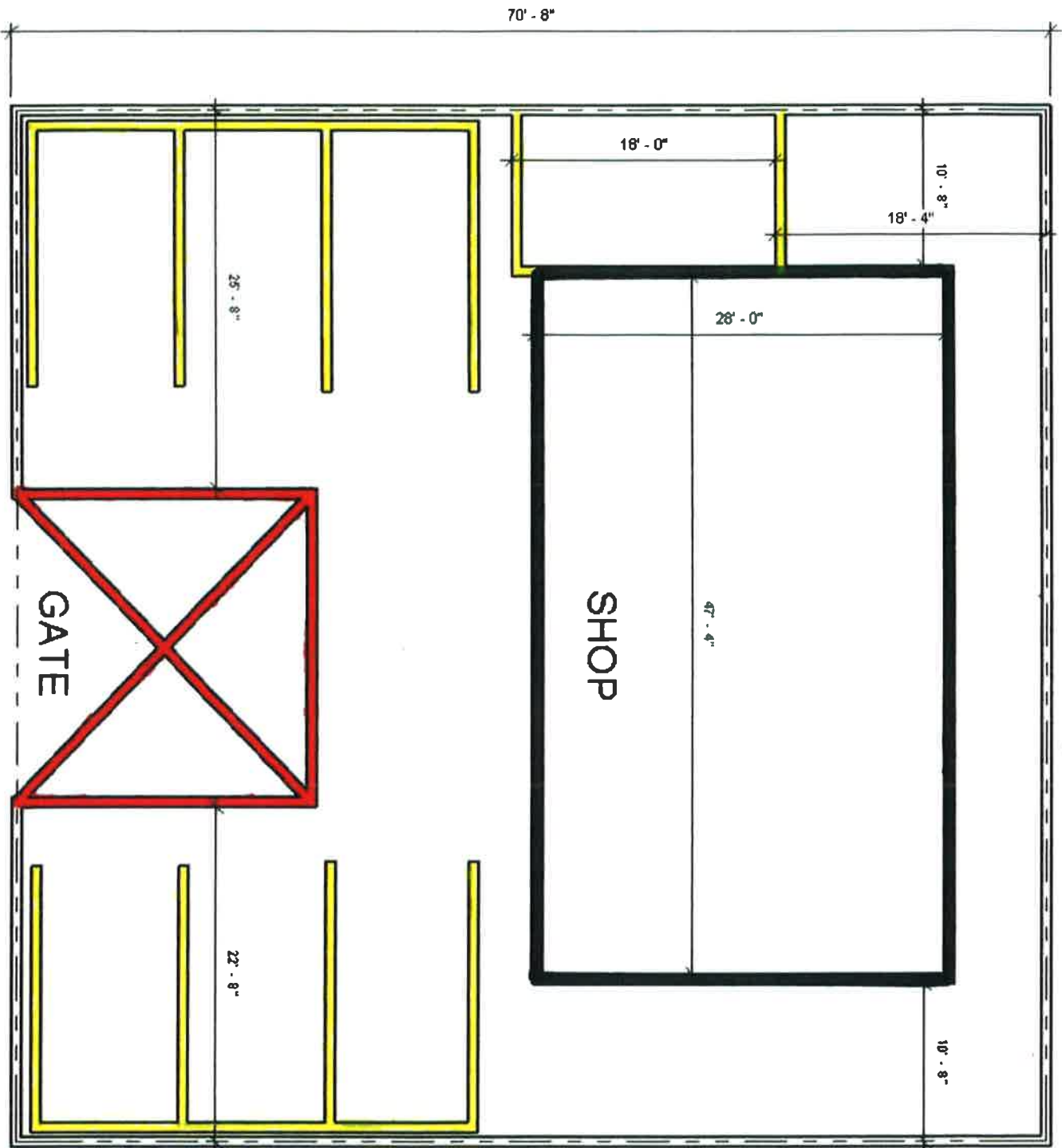
Staff does not object to the business use of automotive repair being continued on this property provided the applicant maintains the property as shown on the attached site plan. Should the applicant fail to meet the standards shown on the site plan, any approval granted by the Board of Zoning Appeals will be null and void which would in turn nullify the applicant's City business license.



We are looking to obtain a business license for the property at 112 E 5th North street morristown TN 37814. We would like to open an auto shop at this location. We understand that the last owners were not up to code or compliance with the city of moristown. It is our intentions to follow all code and regulations for owning an auto repair shop in morristown. The shop is not going to be a junk yard and all cars will be park within the fenced part of the property. We bought this shop mostly for personal use but would like to do some work out of it when we are not at our full time jobs. We want to be able to pay the bills by doing jobs in our free time, to do so we need to have a business license. The shop has 3 bays of those 3 only 2 are going to be used for work as one bay is an office/storage for personal car. We do not want to have more than a few cars at a time on the lot. we only want to do quick in and out jobs to cover our expenses with owning the shop. I have attached a drawing of the property that shows where cars can be parked. We are fully aware that we are not to park cars infront of the gate, on the road, or the lot next door. We want to reasure to anyone that this may concern that the place will not look or be ran the way it was before. We want a nice clean shop that makes the Area look better.

Thanks, Joseph Brown & Chris Williams





# City of Morristown

Incorporated 1855

## DEPARTMENT OF COMMUNITY DEVELOPMENT & PLANNING



TO: Morristown Board of Zoning Appeals  
FROM: Lori Matthews, Senior Planner *[Signature]*  
DATE: January 9<sup>th</sup> 2018  
REQUEST: Variances Requested for Proposed Hotel

### **BACKGROUND:**

City staff has received a site plan for a proposed hotel to be located at 2961 Millers Point Drive in the Millers Landing subdivision which is located at the intersection of E. Morris Boulevard and Pope Road. The site is zoned IB (Intermediate Business). Applicant(s) are Mr. Dennis Patel and Mr. Sandip Patel with the design professional being Mr. William Robinson, P.E.

Millers Landing Subdivision was created in 1999 with the most recent property division recorded in 2014. This area is currently comprised of 9 parcels all commercially zoned (IB) to include a Holiday Inn Express at the far west end, a TVA Credit Union along the east end by Pope Road with both medical and retail uses interspersed between. Entrance to the subject site may be made from either E. Morris Boulevard onto Millers Landing Boulevard or off of Pope Road directly onto Millers Point Drive.

Proposed for this 2 acre site is a three-story 80 room hotel to be constructed east of the existing Holiday Inn Express and west of the Allergy, Asthma and Sinus Center. While the lot has roughly 450 feet of frontage along Millers Point, it is only on average 200 feet wide. Topography to the rear of the site suffers not only from steep grades (20% to 35% differential) but also from easements to include a 30 foot sanitary sewer easement and 20 foot greenway easement. Easements exist to prohibit any construction on top of utilities, therefore, there exists a 50 +/- foot swath of the site that cannot be used for building construction.

The narrowness of the site combined with the existing prohibitive easements and grades along the north side has led the applicant to seek some form of relief from our Zoning regulations as listed below:

Section 14-218.12	Driveway profile exceeds 8% grade
Section 14-1006.1	Minimum front yard setback is 35 feet (12 foot encroachment shown)
Section 14-216.2	Parking stall widths are to be 9.5 feet x 18 feet in size (9 x 18 shown)
Section 14-3304.C	All parking spaces to be located within 50 feet of a tree
	Canopy trees in front yard setback must be spaced 15 feet off-center from trunk
	Canopy trees may not be planted within 15 feet of an existing rights of way
Section 14-3304.B	Street yard shall have a minimum depth of 10 feet (8 feet shown)
Section 14-3305	Trees may not be planted within utility easements – those adjacent to Millers Point Drive appear to be located within utility easements and within the right of way of Millers Point

### **RECOMMENDATION:**

Staff would agree that the property has hardships enough to warrant relief from most of the above listed variances, however, Staff would ask that a new landscape plan be presented that is to scale and shows all necessary easements and corrected property lines which may eliminate the need for some of the landscape variances. Staff is awaiting the submittal of both a lighting and pedestrian plan.





The owner shall be responsible for the maintenance of all landscape areas not located within the public right of way. The owner shall take actions to protect trees and landscaping from unnecessary damage during all facility and maintenance operations.

Landscape areas shall be maintained in accordance with the approved landscape plan, and shall prevent a heavily eroded, cracked, or otherwise deteriorated appearance.

All plant life shown on the approved landscape plan shall be maintained in a healthy condition. Replacement of this material shall be replaced if it dies, is severely damaged, or removed.

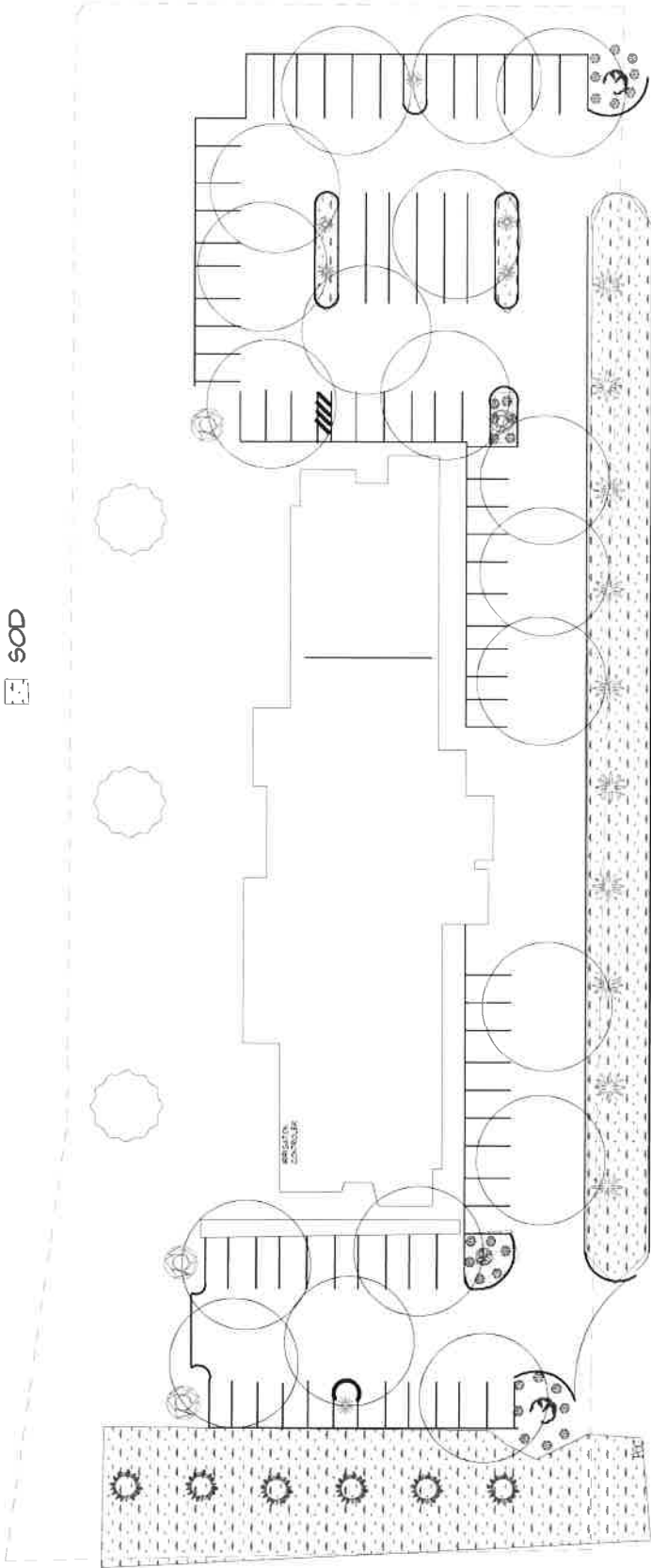
Damage due to natural occurrences  
In the event that any vegetation is severely damaged due to any natural weather occurrence or natural landscape or other natural occurrence such as damage to wild or domestic animals, the owner may be required to replace it if the landscape standards are not being met. The owner shall have one growing season to replace.

Planting Details

- 1" Bar: 1/2" diameter
- 2" Bar: 1/2" diameter
- 3" Bar: 1/2" diameter
- 4" Bar: 1/2" diameter
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- 96" Bar: 1/2" diameter
- 97" Bar: 1/2" diameter
- 98" Bar: 1/2" diameter
- 99" Bar: 1/2" diameter
- 100" Bar: 1/2" diameter

POC

- MULCH
- SOD



Revision #:	Landscape Plan: 001	Landscape Design by: Victor Trobaugh
Date: 1/3/2018	Fairfield Inn Morristown TN	Advanced Landscape

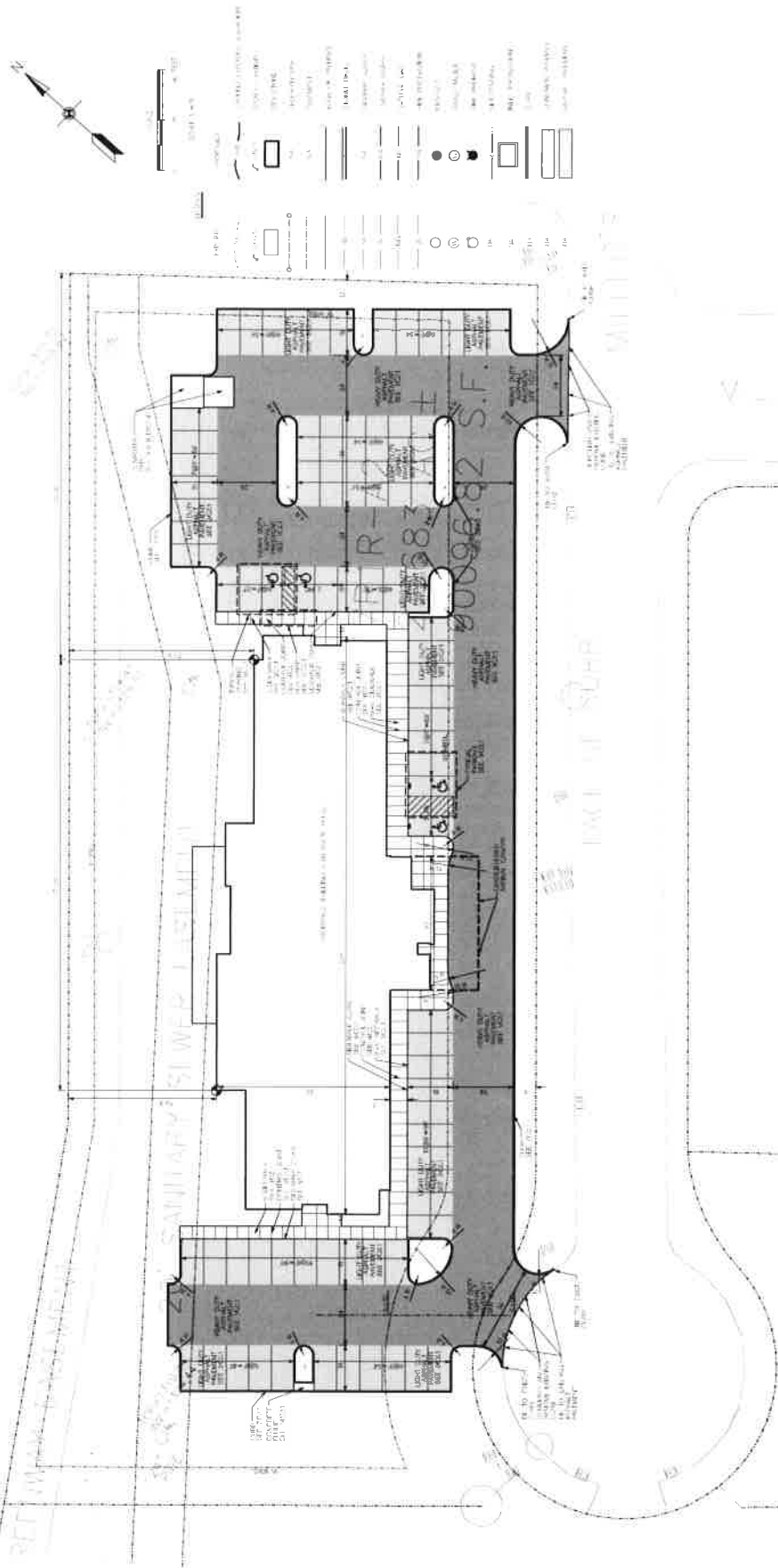




PROJECT NO. 00-0000  
 SHEET NO. 00-0000

DATE: 06/01/00  
 ALL LOTS: 00-0000  
 PROJECT: 00-0000

**C1.1**  
 PRELIMINARY SITE PLAN



**NOTES:**

1. ALL DIMENSIONS ARE IN FEET AND INCHES. DIMENSIONS ARE GIVEN TO THE CENTERLINE OF THE ROAD OR TO THE CENTERLINE OF THE LOT.
2. THE BUILDING FOOTPRINT IS SHOWN IN SHADING. THE BUILDING FOOTPRINT IS TO BE CONSTRUCTED IN ACCORDANCE WITH THE ZONING ORDINANCE.
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