

**MORRISTOWN BOARD OF ZONING APPEALS**  
**Agenda**  
**February 12, 2019**



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**Call to Order**

**I.** Approval of January 8<sup>th</sup>, 2019 Minutes

**II.** Old Business: none

**III.** New Business:

VARI-2268: Variance to the Detached Accessory Structure (Pool) Location  
928 Saddle Ridge LN

**Adjournment**

*The next meeting of the Morristown Board of Zoning Appeals is scheduled for March 12, 2019 at 4:00 pm.  
The deadline to submit applications for this meeting is February 18, 2019.*

**Morristown Board of Zoning Appeals  
January 8, 2019**

**Members Present**

Chairman Jack Kennerly  
Vice-Chairman Bill Thompson  
Secretary Robert (Bob) Garrett  
Mayor Gary Chesney  
Board Member Wanda Neal  
Board Member Ventrus Norfolk  
Board Member Frank McGuffin

**Others Present**

Steve Neilson, Community Development Director  
Lori Matthews, Senior Planner  
Josh Cole, Planner  
Tina Allison, Admin. Asst. Planning  
Adren Greene  
Jamie Mitchell  
Michael D. Price  
Robert Moore

Chairman Jack Kennerly 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 Jack Kennerly called for approval of the December 11<sup>th</sup>, 2018 minutes.**

Mayor Gary Chesney McGuffin made a motion for approval of the December 11<sup>th</sup>, 2018 minutes seconded by Board Member Frank McGuffin.

Upon voice votes, all Ayes. Motion carries.

**II. Old Business:**

None

**III. New Business:**

**UORV-2251-2018: Use Permitted on Review Automobile for Golf Cart Sales at 1838 W. Morris Blvd**

Planner Josh Cole discussed a use permitted on review from Mr. Mark Harrison, the owner of ET Golf Cart and Powersports, to allow a Golf Cart and ATV Sales Facility at 1838 W. Morris Boulevard. This property is zoned Heavy Industrial, thus the need for use on review to allow this type of retail use.

Mr. Cole stated this parcel was previously home to the General Shale Brick business, 1.21 acres in size with a 5,800 sq. ft. building. Along W. Morris Boulevard, a vacant lot is to the west of the property, a pawn shop to the east and various offices to the south. This use is consistent with uses in this portion of W. Morris Boulevard. Staff recommends approval of the proposed request.

Board Member Bill Thompson made a motion to approve request Board Member Frank McGuffin seconded motion.

Voting results: 7 yes, 0 no. Motion Passes.

**UORV-2253-2018: Use Permitted on Review for Automobile Repair Shop at 6778 W. AJ Hwy**

Planner Josh Cole discussed a use permitted on review from Jamie Mitchell of Mitchell's Collision Center to allow an automobile repair facility at 6778 W. Andrew Johnson Highway. This parcel is currently zoned IB (Intermediate Business District) and occupied by ET Golf Cart and Powersports sales facility. The site is 0.8 acres with a 7,200 sq. ft. building. The current location of Mitchell's Collision and a convenience store/gas

station is to the west of the property, a vacant commercial building is to the east and residential use to the north and south.

Mr. Cole stated the applicant is proposing to remodel the current building and has provided Staff with a site plan meeting requirements set forth for this use in the zoning and automobile repair shops are allowed in the Intermediate Business District as a use permitted on review. Staff recommends approval of this request.

Board Member Bill Thompson made a motion to approve the request Mayor Gary Chesney seconded motion.

Architect Michael D. Price was present representing the applicant.

Voting results: 7 yes, 0 no. Motion Passes.

No further business, meeting is adjourned.

Respectfully submitted,

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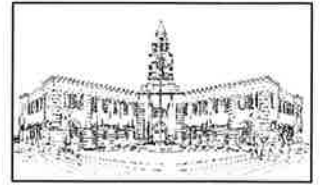
Bob Garrett, Secretary

BG/ta

# City of Morristown

Incorporated 1855

DEPARTMENT OF COMMUNITY DEVELOPMENT & PLANNING



TO: Morristown Board of Zoning Appeals  
FROM: Josh Cole, Planner  
DATE: February 12, 2019  
SUBJECT: Variance – Detached Accessory Structure (Pool) Location

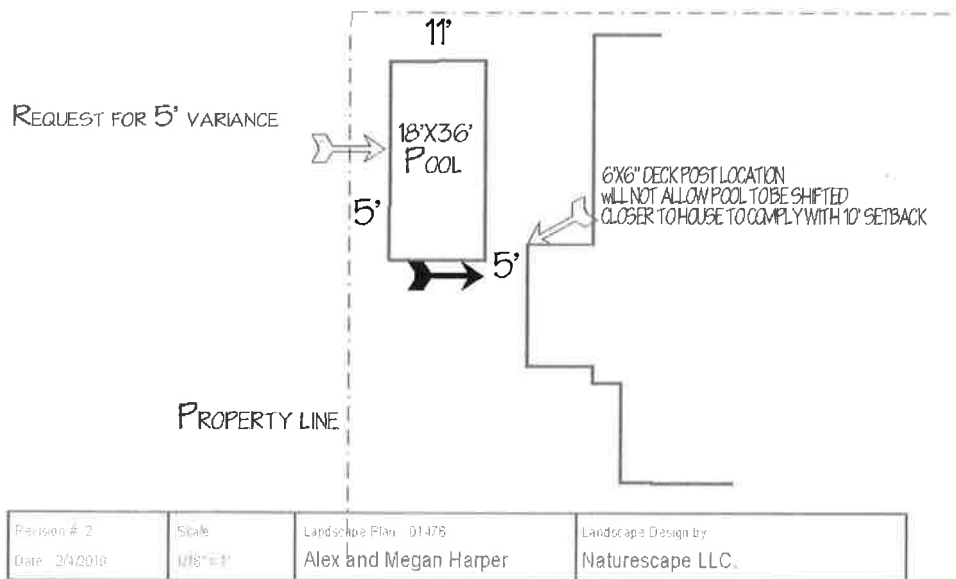
## BACKGROUND:

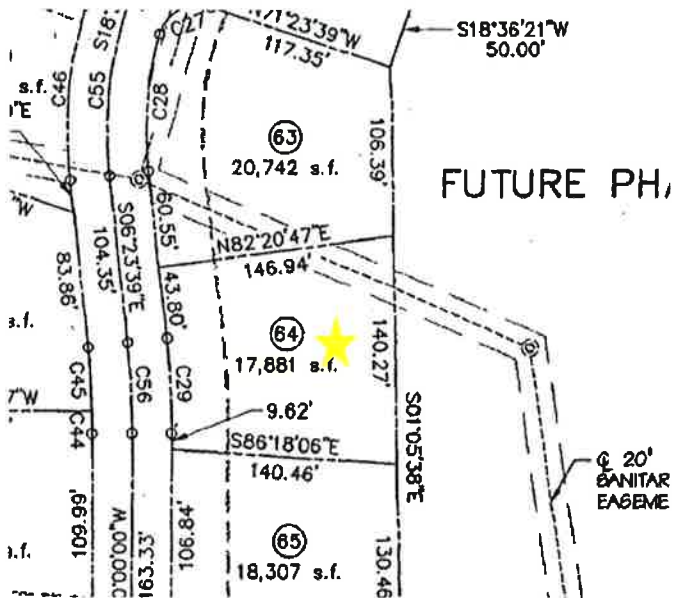
A request has been received from Alex and Megan Harper for a variance to Section 14-212, the "Location of Detached Accessory Buildings on Residential Lots."

Section 14-212 states:

"... No detached accessory building shall be located nearer than ten (10) feet to any rear lot line."

The petitioners, located at 928 Saddle Ridge and zoned R-1 (Single Family Residential District), is seeking to have a 18' x 36' pool placed on their property. They are requesting a 5 foot variance to the above noted required 10' rear property line setback.





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 applicants' note that the hardship is due to a sewer easement that is present is on the northwest portion of the property and the existing wooden deck on the rear of the house.

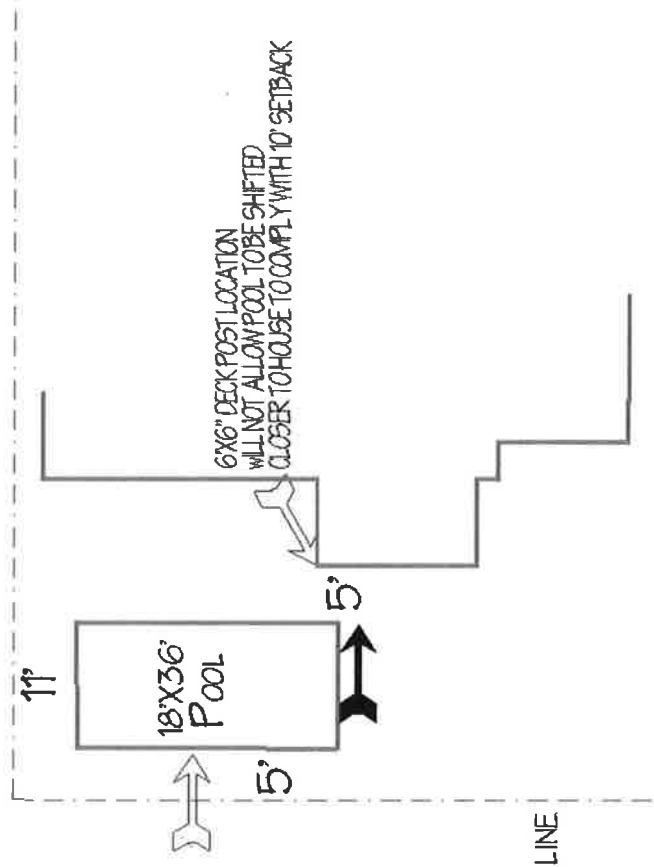
**RECOMMENDATION:**

In staff's opinion, the owners do have options to meet the required rear setback line such as changing the pool dimensions and/or altering the existing wooden deck structure on the rear of the house. Thus, staff finds no undue hardship on the property owners and recommends denial of the 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.



REQUEST FOR 5' VARIANCE

PROPERTY LINE

Revision # 2	Scale: 1/16" = 1'	Landscape Plan, 01-478	Landscape Design by
Date: 2/4/2019		Alex and Megan Harper	Naturescape LLC.