

MORRISTOWN BOARD OF ZONING APPEALS
Agenda
February 11th, 2020



Call to Order

I. Approval of January 14th, 2020 Minutes

II. Old Business: none

III. New Business:

UORV-2356: Short Term Rental Units in OMP District
1103 West 3rd North Street
1111 West 3rd North Street
311 Hickey Street

UORV-2360: Automobile Sales in IB District
4581 W. Andrew Johnson Highway

UORV-2370: Home Occupation Request
Attorney Office at 610 E. 1st North Street

Adjournment

*The next meeting of the Morristown Board of Zoning Appeals is scheduled for March 10th, 2020 at 4:00 pm.
The deadline to submit applications for this meeting is February 17th, 2020.*

**Morristown Board of Zoning Appeals
January 14, 2020**

Members Present

Chairman Jack Kennerly
Board Member Bill Thompson
Mayor Gary Chesney
Board Member Wanda Neal
Board Member Frank McGuffin

Others Present

Steve Neilson, Community Development Director
Lori Matthews, Senior Planner
Josh Cole, Planner
Tina Allison, Admin. Asst. Planning
Kaissen Carr

Members Absent

Secretary Robert (Bob) Garrett
Board Member Ventrus Norfolk

Chairman Jack Kennerly called the meeting to order.

I. Approval of September 10th, 2019 minutes:

Mayor Gary Chesney made a motion for approval of the September 10th, 2019 minutes seconded by Board Member Wanda Neal.

II. Old Business:

None

III. New Business:

**UORV-2316: Substance Abuse Treatment Facility in HI District
230 Bowman Road**

Senior Planner Lori Matthews discussed an application submitted by Mr. Lee Dilworth on behalf of ReVIDA Recovery Centers, P. C. to be located at 230 Bowman Road. The applicant seeks permission to operate a substance abuse treatment facility within an HI (Heavy Industrial) zoned district.

The property is located along the west side of Bowman Road at its intersection with West Morris Boulevard just west of Hyde Eye Clinic. Situated on just over one acre, the existing office building is just under 10,000 square feet in size and occupied by one additional tenant which is the property owner Dr. Zain. Research has shown the entire area behind and west of this property, to East Economy Road and north to West 1st Street, has been zoned HI (Heavy Industrial) since at least 1975. Professional medical offices are uses allowed within a HI (Heavy Industrial) zoned district however substance abuse treatment facilities require approval from the Board of Zoning Appeals after compliance with all regulations have been shown.

Ms. Matthews stated as the applicant has shown compliance with all applicable City codes, Staff would ask that the Board of Zoning Appeals grant their approval to the use as a substance abuse facility to be located 230 Bowman Road.

Board member Frank McGuffin made a motion to approve use on review Mayor Gary Chesney seconded motion.

Voting results: 5 yes, 0 no. Motion Passed.

No further business, meeting is adjourned.

Respectfully submitted,

Bob Garrett, Secretary

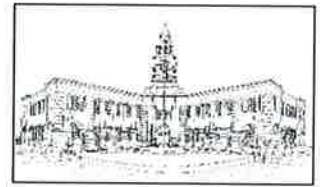
BG/ta


DRAFT

City of Morristown

Incorporated 1855

DEPARTMENT OF COMMUNITY DEVELOPMENT & PLANNING



TO: Morristown Board of Zoning Appeals
FROM: Josh Cole, Planner 
DATE: February 11th, 2020
SUBJECT: Use on Review for Short Term Rental Units in OMP District
1103 W. 3rd N. St., 1111 W. 3rd N. St., and 311 Hickey St.

BACKGROUND:

Mr. Kevin Davenport representing Blue Ridge Home Solutions has requested approval to operate three “Non-Owner-Occupied Short-Term Rental Units” (NOSTRU) for property located at 1103 W. 3rd N. St., 1111 W. 3rd N. St., and 311 Hickey St. Short-term-rental-units may be rented out to a client for a period of up to thirty consecutive calendar days. These three parcels are adjoining and all are zoned Office, Medical, and Professional district.



The properties to the east and west are zoned OMP with the property to the east containing a single family house and the property to the east containing an office building. The property to the south is zoned Intermediate Business with a bank (First Horizon Bank) and the properties to the north are zoned Medium Density Residential with single family houses.

The properties at 1103 and 1111 W. 3rd N. St. each contains three bedrooms while 311 Hickey St. contains two bedrooms. For the three bedrooms, the maximum number of paying guests at any given time is 10 while the maximum for the two bedroom unit is 8. However, it should be noted that simultaneous rental to more than one party under separate contracts shall not be allowed.



The applicant has provided staff with two individuals to contact in case of any issues, the units will be utilizing a small dumpster to be emptied on a regular basis, and each unit contains more parking than required. The fire marshal has inspected these units and he has informed the department that it meets all applicable fire related conditions.

RECOMMENDATION:

A “non-owner-occupied-short-term-rental-unit” is a use permitted on review in the OMP district. The applicant has met all the requirements set forth zoning ordinance for such a use at each location. Staff recommends approval.



1/29/2020

I have read and understand the short term rental unit conditions listed below and agree to abide by them.

- a. No person or entity shall operate a STRU or advertise a residential property for use as an STRU without the owner of the property first having obtained an STRU permit issued by the Planning Department.
- b. The principal renter of a STRU shall be twenty-one (21) years of age.
- c. With the exception of the Central Business District, the operator shall provide two (2) paved on-premise parking spaces for the principal single-family residence and one (1) paved on-premise parking space for each two guest bedrooms. Vehicles shall not be parked on front lawns.
- d. The maximum number of paying adult guests permitted on a STRU property at any one time shall not exceed more than twice the number of bedrooms plus four. Simultaneous rental to more than one party under separate contracts shall not be allowed.

For example: a three (3) bedroom STRU would allow a maximum of ten (10) individuals (3 bedrooms x 2 plus 4 equals ten 10)

- e. Signs, advertising, or any other displays on the property indicating that the dwelling unit is being utilized, in whole or part, as a STRU are prohibited.
- f. All STRU occupants shall abide by all applicable noise restrictions listed in Section 11-202 of the Morristown Code of Ordinances.

Kevin Davenport

Kevin Davenport

Joshua Cole

From: Kevin Davenport <kevin@blueridge.rentals>
Sent: Wednesday, January 29, 2020 3:43 PM
To: Joshua Cole
Subject: Re: Short Term Rental Units
Attachments: STRU letter.pdf

I've attached a letter agreeing to the conditions.

I've heard from the fire chief and will get the inspection done Tuesday or Wednesday next week.

This is the contact person:
Kevin Davenport 423-312-6839
Manager as a backup 423-444-0557

I will have a small dumpster that will be emptied weekly or bi-weekly that all 3 units will use for garbage so cleaners or guests don't have to worry about the schedule and moving trashcans. If that changes, I will post the dates for garbage pickup.

Thanks
Kevin

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:** 1/4/20

2. **Name of Property Owner:** Blue Ridge Home Solutions, LLC
Mailing Address: PO Box 415 City/State/Zip Jefferson City, TN 37760
Telephone: (Home) _____ (Business) 423-444-0557 (Mobile) 423-312-6839
E-Mail Address: kevin@blueridge.rentals

3. **Name of Applicant:** Kevin Davenport
Mailing Address: 104 Sunridge Drive City/State/Zip Jefferson City, TN 37760
Telephone: (Home) _____ (Business) _____ (Mobile) 423-312-6839
E-Mail Address: kevin@blueridge.rentals

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

5. **Property information:** Street Address: 311 Hickey Street
County Tax Map: 033N Group: I Parcel(s) 005.00
Current zoning: R2 Parcel size: _____ City/U.G.B. Morristown
Existing Use: long term furnished rental Proposed Use: short term rental

6. **Nature of Request:** (please circle)

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: _____

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:** Kevin Davenport Date: 1/4/20

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).

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City of Morristown

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Mailing Address: 104 Sunridge Drive City/State/Zip Jefferson City, TN 37760
Telephone: (Home) _____ (Business) _____ (Mobile) 423-312-6839
E-Mail Address: kevin@blueridge.rentals
4. **Name of Agent (third party):** N/A
Mailing Address: _____ City/State/Zip _____
Telephone: (Home) _____ (Business) _____ (Mobile) _____
E-Mail Address: _____
5. **Property information:** Street Address: 1103 W. 3rd North Street
County Tax Map: 033N Group: I Parcel(s) 006.00
Current zoning: OMP Parcel size: _____ City/U.G.B. Morristown
Existing Use: long term furnished rental Proposed Use: short term rental
6. **Nature of Request:** (please circle)
 - a) Use on review (\$50.00 Fee)
 - b) Variance (\$50.00 Fee) • Amount/type of variance requested: _____
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BOARD OF ZONING APPEALS APPLICATION
City of Morristown

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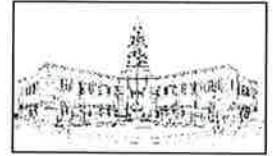
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Mailing Address: 104 Sunridge Drive City/State/Zip Jefferson City, TN 37760
Telephone: (Home) _____ (Business) _____ (Mobile) 423-312-6839
E-Mail Address: kevin@blueridge.rentals
4. **Name of Agent (third party):** N/A
Mailing Address: _____ City/State/Zip _____
Telephone: (Home) _____ (Business) _____ (Mobile) _____
E-Mail Address: _____
5. **Property information:** Street Address: 1111 W. 3rd North Street
County Tax Map: 033N Group: I Parcel(s) 007.00
Current zoning: OMP Parcel size: _____ City/U.G.B. Morristown
Existing Use: long term furnished rental Proposed Use: short term rental
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City of Morristown

Incorporated 1855

DEPARTMENT OF COMMUNITY DEVELOPMENT & PLANNING



TO: Morristown Board of Zoning Appeals
FROM: Lori Matthews, Senior Planner
DATE: February 11th, 2019
SUBJECT: Use on Review Request for Automobile Sales

SUBMITTAL:

The Planning Department has received a request from Mr. Boyd Caldwell to operate an automotive sales center on his property located at 4581 West Andrew Johnson Highway, (the former plant nursery on the west side of Panther Creek Methodist Church). The property, is zoned Intermediate Business (IB) which requires both use and site plan approval by the Board of Zoning Appeals for any automotive sales or repair center.



The property contains one 3500 square foot building to be used as the sales office. As shown on the site plan provided, the applicant will utilize only the front third of the property for now which will hold a (maximum) number of 23 parking stalls. The State of Tennessee requires a licensed automotive dealer have a minimum of three parking stalls dedicated for customer use only, and, a minimum of fifteen spaces for automobile display. One parking space shall be dedicated for handicapped van accessibility. In addition, automobile sales centers must provide a minimum 10 foot buffer between the front property line and any display vehicles to prevent encroachments onto City rights-of-way. Per zoning regulations, all parking and vehicle travel areas will be asphalt or concrete. The new parking will include per regulations landscape islands as well.

RECOMMENDATION:

Staff is satisfied with the submitted site plan and would recommend this use be permitted at this time for the property.

*In the past, Staff has had problems with automobile repair and sales lots exceeding the number of cars allowed on site. With the recent changes made to the City's zoning regulations, site plans are now needed for all new car lots, which will enable Codes Enforcement to cite both business and property owner if the lot does not adhere to the approved site plan.

City of Morristown

Incorporated 1855

DEPARTMENT OF COMMUNITY DEVELOPMENT & PLANNING



TO: Morristown Board of Zoning Appeals
FROM: Lori Matthews, Senior Planner
DATE: February 11th 2020
SUBJECT: Home Occupation Request for Attorney Office

BACKGROUND:

The applicant, Mr. Scott Hodge seeks permission to operate an office from his residence located at 610 East 1st North Street. Under the City's Zoning Ordinance, Section 14-228 Home Occupations, an applicant intending to have more employees than those living on-site must receive approval by the Board of Zoning Appeals. All other applications are reviewed and approved or denied by City Staff.

Located on the perimeter of the downtown Central Business District, East 1st North Street serves the City as a sort of buffer between the heavy residential housing to the north and the larger industrial and commercial areas along Main Street as can be seen in the graphic below:



Located immediately east of Douglas Cherokee Economic Board, (formerly Roberts School), the subject site consists of single family residential home situated on one-half acre. The applicant wishes to have a small office within his house to be managed by himself and one other person. As with many other businesses, the majority of the work is conducted via the internet. The applicant also spends a great deal of time traveling to and from his clients, that being the reason for having an additional person during the day. Though there will be few clients that actually visit the office, Mr. Hodge wishes to install 2 additional parking stalls which will be ADA compliant along the east side of the house.

RECOMMENDATION:

As the applicant has shown that he can comply with the City's Home Occupation regulations, Staff would ask the Board of Zoning Appeals to approve this use request.

*Staff has spoken to the applicant regarding any future expansion of the office in terms of needing additional parking, larger office, etc. being needed. He has agreed that when and if that happens, he will seek a possible rezoning of the property.



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.