

MORRISTOWN BOARD OF ZONING APPEALS

Agenda

March 9th, 2021

Call to Order

I. Approval of February 9th, 2021 Minutes

II. Old Business: none

III. New Business:

UORV-2480: Home Occupation Use on Review
1851 Holston Valley Road

Adjournment

*The next meeting of the Morristown Board of Zoning Appeals is scheduled for April 13th, 2021 at 4:00 pm.
The deadline to submit applications for this meeting is March 15th, 2021.*

**Morristown Board of Zoning Appeals
February 9, 2021**

Members Present

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

Member Absent

Vice-Chairman Bill Thompson

Chairman Ventrus Norfolk called the meeting to order and invited anyone who wished to join the Commission in an Invocation and the Pledge of Allegiance.

I. Approval of October 13th, 2020 minutes:

Board Member Frank McGuffin made a motion for approval of the October 13th, 2020 minutes seconded by Board Member Jack Kennerly.

Upon voice votes, all Ayes. Motion Carries.

II. Old Business:

None

III. New Business:

**UORV-2466: Tow Yard in LI District
Sunrise Avenue/W. Charles Street**

Senior Planner Lori Matthews discussed a request by Tim Goins for a use on review for a wrecker service to be located off of Sunrise Avenue. Property owner is Maria Gonzalez. The property is zoned Light Industrial (LI) which allows wrecker services only by use approval through the Board of Zoning Appeal. A six-foot-tall opaque fence must be erected to shield the vehicles from the general public.

Staff asked that the Board of Zoning Appeals approve this use on review.

Board Member Jack Kennerly made a motion to approve the use on review of a tow yard seconded by Board Member Wanda Neal.

**UORV-2467: Substance Abuse Treatment Facility in IB District
2307 W. Andrew Johnson Highway**

Innovative Care Solutions, a substance abuse clinic, has requested the Board of Zoning Appeals approve their use, to be located at 2307 West Andrew Johnson Highway. They will share a

building with The Nail Shoppe which is located behind Linkous Family Dentistry and Moyers Veterinary Clinic. The property is zoned Intermediate Business.

Pursuant to the City's Zoning Ordinance, substance abuse clinics must receive approval from the Board of Zoning Appeals before locating within an IB district. Other criteria which must be met include:

- a. No facility shall allow outdoor seating areas, queues, or customer waiting areas. All activities shall be conducted within the building and adequate indoor waiting areas shall be provided for all patients and business invitees.
- b. The indoor waiting/seating area shall be open to all patients thirty (30) minutes prior to patients being seen;
- c. The facility shall post a conspicuous sign stating that no loitering is allowed on the property. A sign shall also be posted stating that no drugs/medications are stored or distributed on property; and
- d. Provide name and phone number of the community relations contact who will respond to complaints.

Staff performed a site visit to the business and found that it was in compliance with all of the above listed criteria.

Board Member Frank McGuffin made a motion to approve the use on review of a substance abuse clinic seconded by Board Member Jack Kennerly.

Voting results: 6 yes, 0 no. Motion Passed.

No further business, meeting is adjourned.

Respectfully submitted,


Bob Garrett, Secretary

BG/ta

The City of Morristown

Community Development & Planning



TO: Morristown Board of Zoning Appeals
FROM: Josh Cole, Planner 
DATE: March 9th, 2021
SUBJECT: Home Occupation Use Permitted on Review Request

BACKGROUND:

Staff has received a request from Haley Nelson for a Use on Review to operate a message therapy business out of her house located at 1851 Holston Valley Road. This request must receive BZA approval since clients will be going to her house. It should be noted that the applicant has stated that only one car associated with her client(s) will be at her house at time and leaving a gap between any appointments to ensure that no more than one car will be there at all times.



The applicant has provided staff a signed home occupation agreeing to all the terms and conditions stated under Section 14-228 which regulates Home Occupations.

The City of Morristown

Community Development & Planning



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 client 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

**When Board of Zoning Appeals approval is required, please include the standard Board of Zoning Appeals application with your request. Some Home Occupation are considered a use on review under 'Nature of Request'.*

TO BE COMPLETED BY APPLICANT:

1. Applicant Name(s): Haley Nelson
2. Name of Business: HN Massage
3. Address: 1851 Holston Valley Rd Momstown, TN 37814
4. Subdivision Name if Applicable: NA
5. Is the proposed use in compliance with all private deed restrictions, covenants, homeowner's association rules and/or subdivision polices? Yes No
6. Phone Number(s): 865-549-1983
7. Fax or email: haley.nelson@lmonet.edu
8. What is the nature of the business that is proposed (be specific and attach letter of explanation if necessary)? provide massage to clients.

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.

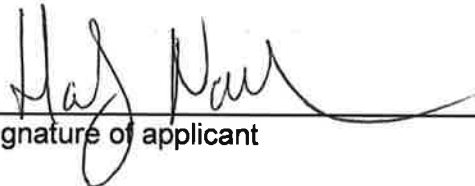
- d. No more than one home occupation will be conducted on the premises of the home occupation site.
- e. Products or materials shall not be visible on the premises from any street or sidewalk adjacent to the property on which the home occupation is situated.
- f. A home occupation shall be limited to 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 homeowner, 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. Retail sales of any type are prohibited on the premises. Internet and mail order sales are permitted.

I (applicant) have read and understand the aforementioned regulations and agree to abide by all terms and conditions.



Signature of applicant



Date

DATE: 02/15/21

TO: WHOM IT MAY CONCERN

FROM: MIKE NELSON

SUBJECT: RENTAL HOUSE 1851 HOLSTON VALLEY RD.

THIS LETTER IS TO NOTIFY YOU THAT I MIKE NELSON OWN THE PROPERTY AT 1851 HOLSTON VALLEY ROAD. I AM RENTING THIS PROPERTY TO MY DAUGHTER HALEY NELSON AND ALLOWING HER TO PRACTICE HER MASSAGE THERAPY BUSINESS AT THIS LOCATION. I AM AWARE THAT SHE HAS APPLIED FOR HER BUSINESS LICENSE AT THIS ADDRESS AND I APPROVE OF HER OPERATING HER BUSINESS OUT OF THIS LOCATION.

IF YOU SHOULD HAVE ANY ADDITIONAL QUESTIONS FEEL FREE TO CONTACT ME AT: 423-489-9670.

SINCERELY,


MIKE NELSON

UJROV-2480-2021

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:** 2-11-2021
2. **Name of Property Owner:** Michael and Sandy Nelson
Mailing Address: 1851 Holston Valley Rd City/State/Zip Morristown, TN 37814
Telephone: (Home) NA (Business) NA (Mobile) 865-548-1983
E-Mail Address: haley.nelson@lmunet.edu

3. **Name of Applicant:** Haley Nelson
Mailing Address: 1851 Holston Valley Rd City/State/Zip Morristown TN 37814
Telephone: (Home) NA (Business) NA (Mobile) 865-548-1983
E-Mail Address: haley.nelson@lmunet.edu

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

5. **Property information:** Street Address: 1851 Holston Valley Rd
County Tax Map: _____ Group: _____ Parcel(s) _____
Current zoning: _____ Parcel size: _____ City/U.G.B. _____
Existing Use: _____ Proposed Use: _____

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:** [Signature] **Date:** 2-11-2021

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).