

MORRISTOWN BOARD OF ZONING APPEALS
Agenda
April 11th, 2023



Call to Order

I. Approval of March 14th, 2023 Minutes

II. Old Business: none

III. New Business:

VARI-2786: Variance Request
1810 Wagon Wheel

Adjournment

*The next meeting of the Morristown Board of Zoning Appeals is scheduled for May 9th, 2023, at 4:00 pm.
The deadline to submit applications for this meeting is April 17th, 2023.*

Morristown Board of Zoning Appeals Minutes

March 14th, 2023

Members Present

Chairman Ventrus Norfolk
Secretary Robert (Bob) Garrett
Mayor Gary Chesney
Vice-Chairman Bill Thompson
Board Member Jack Kennerly
Board Member Sabrina Seamon

Staff Present

Steve Neilson, Development Director
Lori Matthews, Senior Planner
Josh Cole, Senior Planner
Hope Ross, Administrative Assistant

Members Absent

Board Member Frank McGuffin

Others Present

J Berkenkamp
Melinda Messer
Ava Messer
Elias Messer
Shelby Messer
Jenn Corson
Leia Hyde
David Henderson
Lee Shepard
Jorge Guzman
Joe Parrott
Glenna Howington

Chairman Ventrus Norfolk called the meeting to order.

II. Approval of January 10th, 2023, minutes:

Vice-Chairman Bill Thompson made a motion for approval of the January 10th, 2023, minutes seconded by Mayor Gary Chesney

Upon voice votes, all Ayes. Motion Carries.

II. Old Business:

None

III. New Business:

UORV-2783: Use on Review Request for Mini Storage in LI W. Morris BLVD

Senior Planner Lori Matthews brought forth a request from property owners D & S Property Investments, LLC. is seeking use approval to allow the construction and operation of mini-storage warehousing within a Light Industrial (LI) zoned district. The subject property is located near the intersection of Highway 160 with Dr. Martin Luther King Jr. Boulevard, opposite the new elementary school location.

Almost 10 acres in size, the parcel is completely forested as are many of the surrounding properties. The concept plan shows 8 primary structures housing 305 units on roughly just over an acre of land. Access will be from Dr. Martin Luther King Jr. Boulevard and should be in alignment with the (proposed) school entrance.

Morristown Board of Zoning Appeals Minutes
March 14th, 2023

Staff would ask that this use be approved as any impacts from the proposed development will be minimal to the surrounding area.

Board Member Sabrina Seamon made a motion to approve the use on review seconded by Secretary Robert (Bob) Garrett

Voting Results: 6 yes, 0 no. Motion passed.

No further business, meeting is adjourned.

Respectfully submitted,

Bob Garrett, Secretary

BG/hr

The City of Morristown

Community Development & Planning



TO: Morristown Board of Zoning Appeals
FROM: Lori Matthews
DATE: April 11th, 2023
REQUEST: Variance Requested

Mrs. Linda Noe, acting as agent for property owner Jason Leffew, has requested a height variance be granted to a building being renovated off of Wagon Wheel Drive. A permanent address has not yet been assigned to the subject building, however, it shares the same property with a barn which is addressed as 1810 Wagon Wheel Drive.

The property is currently zoned R-2 (Medium Density Residential) which allows residential developments. As stated, two buildings are located on the property, a detached garage, and a barn which appears to have been built partially inside the right-of-way of Wagon Wheel Drive, as shown on a recorded subdivision plat.

Mr. Leffew presented the Building Department with a building permit application in December 2022 which shows he wished to raise the roof and replace tin on the roof of the detached garage building. A stand alone garage is not allowed in a residential district as a permitted use and because there is no principal structure it would not be allowed as an accessory use/structure. Therefore, the permit was denied. The building is grandfathered and is considered to be a legal non-conforming use/structure and is allowed to continue; however, it cannot be expanded. Mr. Leffew went ahead and began to expand the building without a permit. A Stop Work order was issued; however, Mr. Leffew ignored the order and completed the building. Two additional citations were issued which were also ignored.



Per State and Local code, non-conforming structures may not be expanded in either their building footprint or use. A height variance would be considered an expansion of a non-conforming structure. The applicant did not provide any rationale as to why the Board of Zoning Appeals should grant the variance.

Pursuant to the City's Zoning Ordinance, Chapter 20, Section 11-2004.3., the Board of Zoning Appeals may grant variances based on the following rationale:

3. 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 strict application of the provisions of this ordinance would result in practical difficulties to or undue 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.

Mr. Leffew's property is approximately 1.34 acres in area, 300' deep, and 180' wide and there are no exceptional topographic conditions or other extraordinary or exceptional situation on the property".



Zoning Map showing subject property

RECOMMENDATION:

Staff would recommend the Board of Zoning Appeals deny the variance request to expand the structure as the rationale for approving such a request does not meet the criteria set forth in the City Zoning Ordinance.

2020 aerial photography showing subject building location





BOARD OF ZONING APPEALS APPLICATION

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:** March 7, 2023

2. **Name of Property Owner:** Jason Leffew
 Mailing Address: 2161 Buffalo Trail City/State/Zip Morristown, TN 37814
 Telephone: (Home) N/A (Business) will call back or email (Mobile) _____
 E-Mail Address: N/A

3. **Name of Applicant:** (Same) See above
 Mailing Address: _____ City/State/Zip _____
 Telephone: (Home) _____ (Business) _____ (Mobile) _____
 E-Mail Address: _____

4. **Name of Agent (third party):** Linda C. Noe, Atty
 Mailing Address: 2343 Joe Stephens Rd City/State/Zip Morristown, TN 37814
 Telephone: (Home) N/A (Business) 865-862-9807 (Mobile) 423-277-9766
 E-Mail Address: linda@noe.com linda@fkscaw.com

5. **Property information:** Street Address: 1810 Wagon Wheel Rd
 (on file) 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: Bldg const. variance (height)

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. (on file)

9. **Applicant Signature:** [Signature] Linda C. Noe Date: 3/7/23

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).

CITY OF MORRISTOWN Building Permit Application



DATE: 12/22/22

Work without first obtaining proper permits shall be subject to double fees.

TYPE OF JOB: (Check one)

N/A

Single-Family Duplex Triplex Multi-Family Commercial Industrial Assembly School

PERMIT TYPE:

Building Electrical Mechanical Plumbing Gas Pool Detached Accessory Structure

FEMA Special Flood Hazard Area _____ Number of current detached structures _____

WORK CLASSIFICATION: New Renovation Addition Re-connection of Utilities Service Upgrade

SIZE/SQ FOOTAGE 19x47 VALUATION AMOUNT \$ 3000.00

ADDRESS OF JOB: 1810 Wagon Wheel Drive

Is the proposed work in compliance with all private deed restrictions, covenants, homeowner's association rules and/or subdivision policies? Yes No

APPLICANT INFORMATION:

APPLICANT'S NAME: Jason Leffew

ADDRESS: 2121 Buffalo trail

CONTACT NUMBERS: 423-312-7871 EMAIL: jsnleffew@gmail.com

The applicant is also the: Owner Contractor Other:

PROPERTY OWNER INFORMATION (Fill out if different from Applicant):

OWNER'S NAME: _____

ADDRESS: _____

CONTACT NUMBERS: _____ EMAIL: _____

CONTRACTOR INFORMATION (Fill out if different from Applicant):

CONTRACTOR'S NAME: _____

ADDRESS: _____

CONTACT NUMBERS: _____ EMAIL: _____

LICENSE CLASS: _____ LICENSE NUMBER: _____

DESCRIBE WORK/NOTES:

RASER the ROOF AND put New tin on Roof ON existing SC

FOR ADMINISTRATIVE USE ONLY

Permit # _____ Approved by: _____ Date: _____

Plans received: 2 sets hard copies PDF Fee: \$ _____