

**MORRISTOWN BOARD OF ZONING APPEALS**  
**Agenda**  
**July 11<sup>th</sup>, 2023**



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**Call to Order**

**I.** Approval of April 11<sup>th</sup>, 2023 Minutes

**II.** Old Business: none

**III.** New Business:

UORV-2831: Use on Review Request at 1028 W. Main Street  
Automobile Transmission Repair

UORV-2847: Use on Review Request at 1311 S. Cumberland Street  
Automobile Oil Change

**Adjournment**

Members of the public will have the opportunity to speak as items are presented.

*The next meeting of the Morristown Board of Zoning Appeals is scheduled for August 8<sup>th</sup>, 2023, at 4:00 pm.  
The deadline to submit applications for this meeting is July 17<sup>th</sup>, 2023.*

# Morristown Board of Zoning Appeals Minutes

## April 11<sup>th</sup>, 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  
Board Member Frank McGuffin

### Staff Present

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

### Members Absent

### Others Present

Jason Patterson  
Wayne Sundby  
Melinda Sumner  
Linda Noe  
Shannon Greene  
Gorge Guzman  
Lee Shephard  
Mike Jinks  
Rebecca Templeton  
Glenna Howington

Chairman Ventrus Norfolk called the meeting to order.

### **II. Approval of March 14<sup>th</sup>, 2023, minutes:**

Mayor Gary Chesney made a motion for approval of the March 14<sup>th</sup>, 2023, minutes seconded by Board Member Frank McGuffin

Upon voice votes, all Ayes. Motion Carries.

### **II. Old Business:**

None

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

#### **VARI-2786: Variance Request for barn height at 1810 Wagon Wheel**

Senior Planner Lori Matthews brought forth a request from Mrs. Linda Noe, acting as agent for property owner Jason Leffew, has requested a height variance be granted to a building being renovated off 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.

# Morristown Board of Zoning Appeals Minutes

## April 11<sup>th</sup>, 2023

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 standalone garage is not allowed in a residential district as 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.

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 situations on the property.

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.

Board Member Sabrina Seamon made a motion to deny the variance seconded by Board Member Jack Kennerly

Linda Noe spoke in favor of the variance to raise the height of the detached structure.

Voting Results: 7 yes, 0 no. Motion passed.

No further business, meeting is adjourned.

Respectfully submitted,

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Bob Garrett, Secretary

BG/hr

# The City of Morristown

## Community Development & Planning



TO: Morristown Board of Zoning Appeals  
FROM: Lori Matthews  
DATE: July 11<sup>th</sup>, 2023  
SUBJECT: Use on Review for Automobile Transmission Shop

### **BACKGROUND:**

Staff has received a request to operate an automobile transmission shop at 1028 West Main Street just west of North High Street, facing the railroad and Morristown Ford dealership warehouse. Property owner is Federico Diluzio.

The ¼ acre lot is zoned Intermediate Business which requires all automobile repair establishments receive approval by the Board of Zoning Appeals, along with a site plan. In addition, the site plan must demonstrate the business will meet the following criteria:

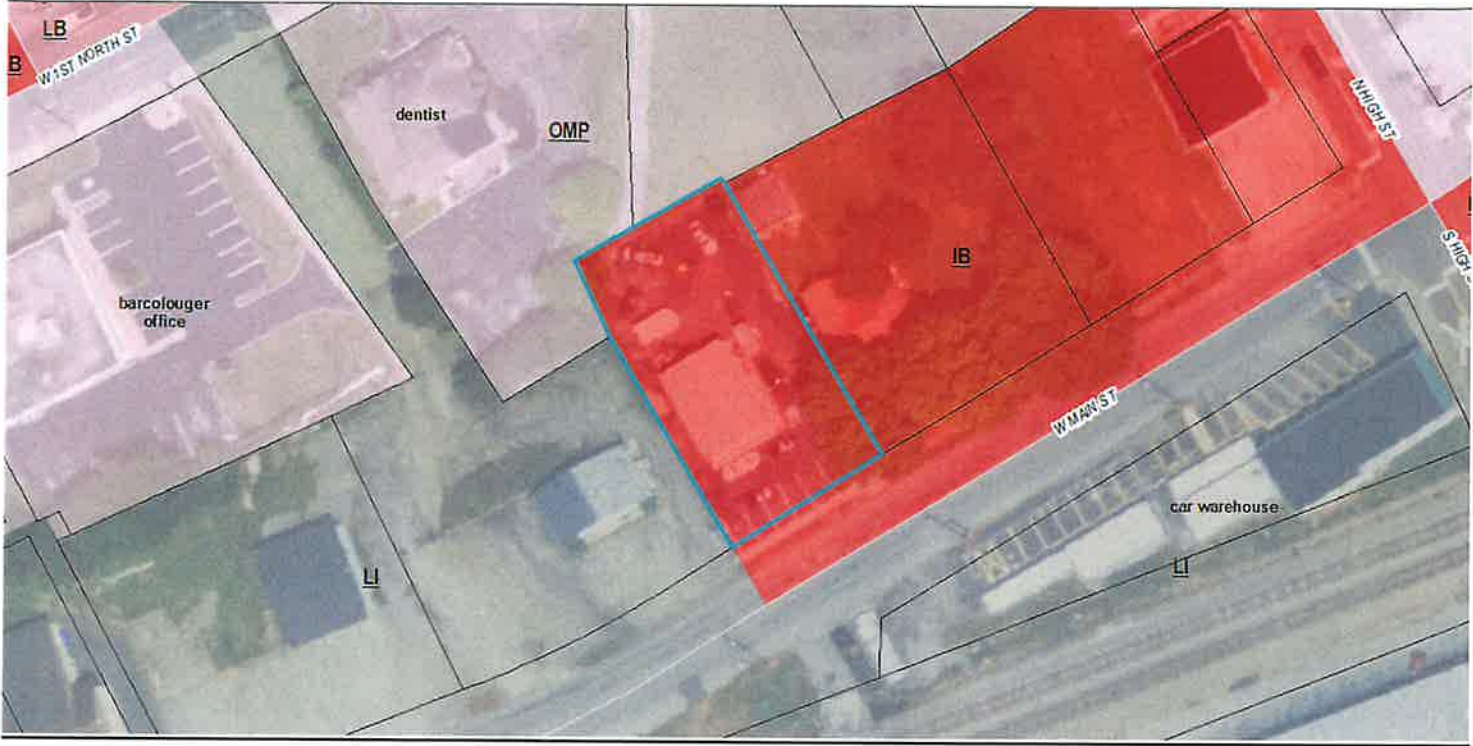
2. Automobile Repair Shops.
  - a. A site plan shall be submitted to meet requirements as put forth in Section 14-1903 APPROVAL OF PLANS AND ISSUANCE OF BUILDING PERMIT; and
  - b. The vehicle storage areas shall be screened from all residential use and districts with a fence a minimum six (6) feet tall. The fencing may be wood, brick, or other material that is at least 75 percent opaque.

The proposed site plan shows access from West Main Street with parking along the front and rear of the property. The owner/applicant will be required to plant evergreen trees along the eastern property line as it adjoins a residence. In addition, an opaque fence is required to be erected along all vehicle storage areas. Staff will also require a letter from Morristown Utility providing approval for this type of use at this location as their sanitary sewer or water departments may require additional information.

The property owner is requesting approval to operate a **transmission** shop exclusively. If approved, any other type of automotive repair not limited to the following: changing of tires/wheels, collision body work, towing services, engine repair, or automotive cleaning or detailing, will require the property owner submit a new site plan and the use be taken back to the Board of Zoning Appeals for a review and approval or denial.

### **RECOMMENDATION:**

Based on the proposed business being located along a major arterial, and the site plan submitted appears to meet current Zoning regulations, Staff would recommend the Board of Zoning Appeals approve the use of a transmission shop and the (conceptual) site plan submitted.



**MUST REC MUS APPROVE!**



# The City of Morristown

## Community Development & Planning



TO: Morristown Board of Zoning Appeals  
FROM: Lori Matthews  
DATE: July 11<sup>th</sup>, 2023  
SUBJECT: Use on Review for Oil Change (Automobile) Shop

### **BACKGROUND:**

Staff has received a request from property owner Mayra Castellanos to construct and operate a (vehicular) oil change business at 1311 South Cumberland Street, which is located adjacent to the Grovewood residential development off Keswick Drive.

The ½ acre lot is zoned Intermediate Business which requires all automobile repair establishments receive approval by the Board of Zoning Appeals, along with their submitted site plan. In addition, the site plan must show the business will meet the following criteria:

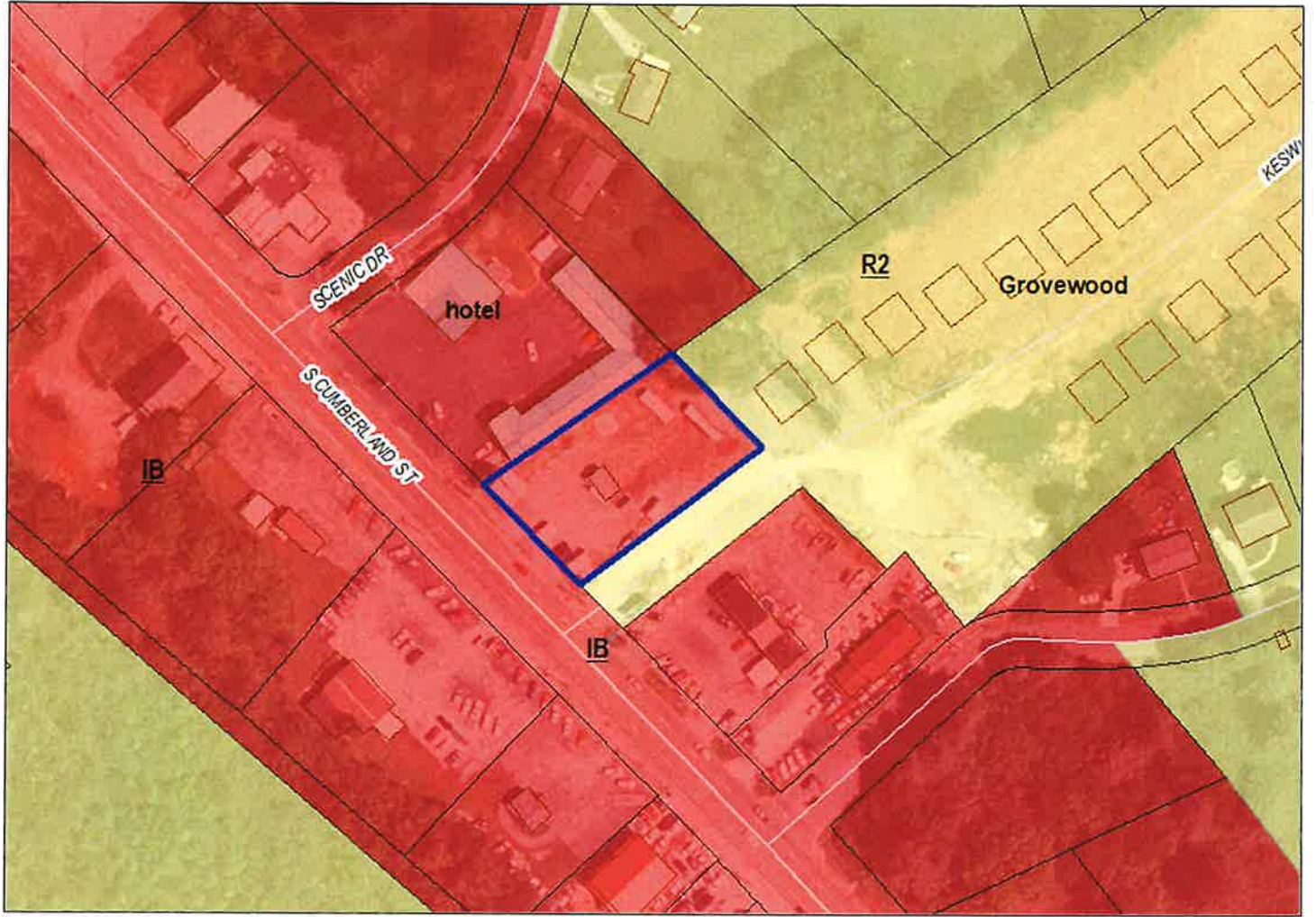
2. Automobile Repair Shops.
  - a. A site plan shall be submitted to meet requirements as put forth in Section 14-1903 APPROVAL OF PLANS AND ISSUANCE OF BUILDING PERMIT; and
  - b. The vehicle storage areas shall be screened from all residential use and districts with a fence a minimum six (6) feet tall. The fencing may be wood, brick, or other material that is at least 75 percent opaque.

The proposed site plan shows access from South Cumberland Street with a 6-bay 3,000 square foot building. The north property line reflects the required 20-foot vegetated buffer with fencing and evergreen trees to be spaced along 8-foot centers. This landscape is a requirement of all (newly) constructed commercial entities located beside a residential development or residential zoning.

The property owner is requesting approval for **automobile oil changes** exclusively. If approved, any other type of automotive repair not limited to the following: changing of tires/wheels, collision body work, muffler and engine repair, or automotive cleaning or detailing, will require the property owner submit a new site plan and the use be taken back to the Board of Zoning Appeals for a review and approval or denial.

### **RECOMMENDATION:**

Based on the proposed business being located along a major arterial, and the site plan submitted appears to meet current Zoning regulations, Staff would recommend the Board of Zoning Appeals approve the use of automobile oil changes and the (conceptual) site plan submitted.



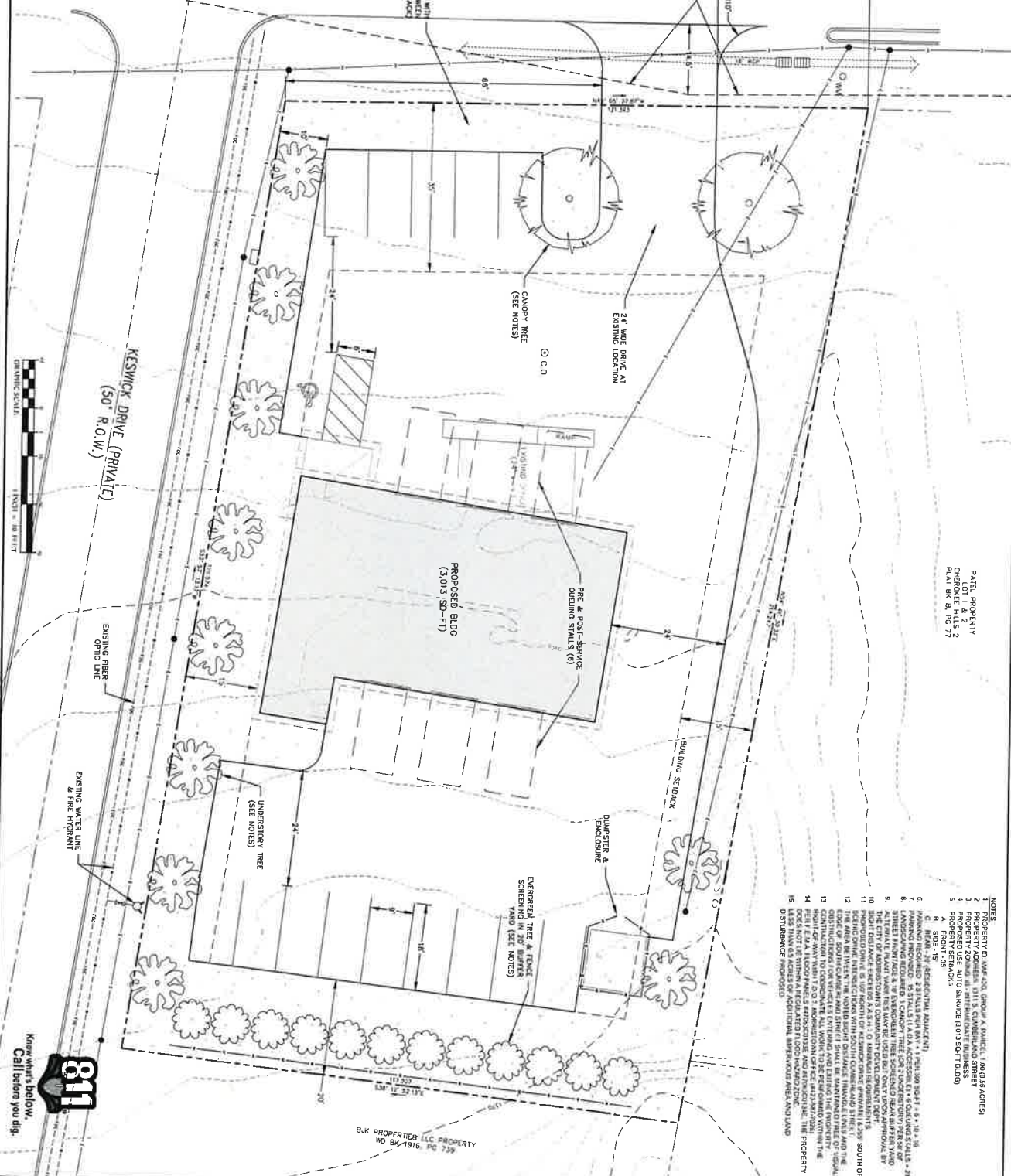
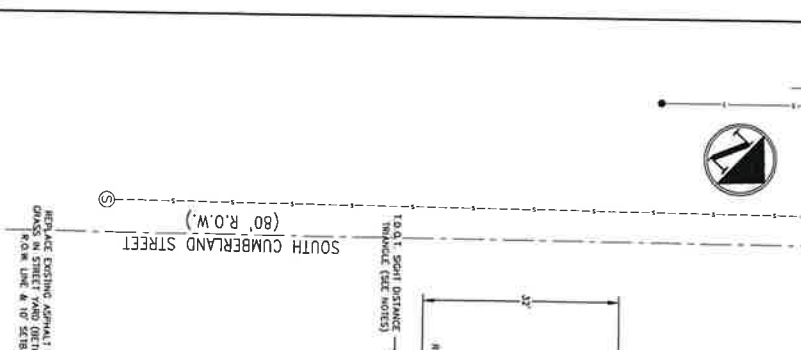




### PLANTING SCHEDULE

SYM. I.D.T.	BOTANICAL NAME	COMMON NAME	QTY
T1	TULA FERNWOODIA	SILVER OAKEN	846
GC	5 CEDROS CAULIGENS	EASTERN REDBUD	846
CF	3 CEDROS TUDORA	FLORENTINE COQUON	846
C	12 L. GUMMOSA-PHABIS	IRLANDA CRISTES	846


1. CONTOURING AND CUTTER TO BE MATCHED & ADJUSTED TO AGING GRADE.  
 2. EXISTING TREES TO HAVE A PERIODIC AND BE SPACED 8' O.C.  
 3. ALL NEW TREES TO BE SPACED 10' BETWEEN TREES.



PANEL PROPERTY  
 CHEROKEE HILLS 2  
 PLAT BK. B, PG. 77

- #### NOTES
1. PROPERTY D.W.M.F. 2004, GROUP A, PARCEL 1, 100.05 ACRES
  2. PROPERTY ZONING IS RESIDENTIAL MEDIUM DENSITY
  3. PROPERTY ZONING IS RESIDENTIAL MEDIUM DENSITY
  4. PROPOSED USE: AUTO SERVICE (B.015 SQ. FT. BLDG)
  5. FROM "25" SW A.S.
  6. S.D.E. "15"
  7. MARKING REQUIRED: 2 STALLS PER BOX "1", PER 300 SQ FT = 4.5' x 18' x 18'
  8. MARKING REQUIRED: 15 STALLS PER BOX "1", PER 400 SQ FT STALLS = 21'
  9. MARKING REQUIRED: 15 STALLS PER BOX "1", PER 400 SQ FT STALLS = 21'
  10. MARKING REQUIRED: 15 STALLS PER BOX "1", PER 400 SQ FT STALLS = 21'
  11. MARKING REQUIRED: 15 STALLS PER BOX "1", PER 400 SQ FT STALLS = 21'
  12. MARKING REQUIRED: 15 STALLS PER BOX "1", PER 400 SQ FT STALLS = 21'
  13. MARKING REQUIRED: 15 STALLS PER BOX "1", PER 400 SQ FT STALLS = 21'
  14. MARKING REQUIRED: 15 STALLS PER BOX "1", PER 400 SQ FT STALLS = 21'
  15. DISTANCE INDICATED



<b>SHEET</b> <b>C-101</b>	<b>SITE</b> <b>LAYOUT PLAN</b>	JOB NO: 23-04 DATE: FEBRUARY 2023 DESIGNED BY: JG CAD/DRAWN BY: JG DESIGN REVIEW: CONST. REVIEW: FILE NAME: Designer: JWG Plotter: HP DesignJet	<b>GUZMAN OIL CHANGE</b> <b>1311 S. CUMBERLAND ST.</b> MORRISTOWN, TENNESSEE		PRELIMINARY NOT FOR CONSTRUCTION
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