

MORRISTOWN BOARD OF ZONING APPEALS
Agenda
June 13th, 2023



Call to Order

I. Approval of April 11th, 2023 Minutes

II. Old Business: none

III. New Business:

UORV-2824: Use on Review Request at 2020 E. Andrew Johnson Highway
New Site Plan Request for Automobile Sales Lot

Adjournment

*The next meeting of the Morristown Board of Zoning Appeals is scheduled for July 11th, 2023, at 4:00 pm.
The deadline to submit applications for this meeting is June 19th, 2023.*

Morristown Board of Zoning Appeals Minutes

April 11th, 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 14th, 2023, minutes:

Mayor Gary Chesney made a motion for approval of the March 14th, 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 11th, 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,

Bob Garrett, Secretary

BG/hr

The City of Morristown

Community Development & Planning



TO: Morristown Board of Zoning Appeals
FROM: Lori Matthews
DATE: June 13, 2023
REQUEST: Use on Review to Enlarge Business

Property owner(s) Trademark Investments, LLC (Agent Jeff Kenley) have requested an expansion of their original approval to operate an automobile sales lot at 2020 East Andrew Johnson Highway, which is located just west of the Terry Humann Chiropractic Clinic and north of Chestnutt Avenue. The property is zoned Intermediate Business. Approval was granted by the Board of Zoning Appeals for both the use and submitted site plan in May 2019. (memo from 2019 attached) The approved site plan demonstrated a total of 22 vehicles could fit safely on the lot while allowing free and clear vehicular travel and emergency vehicle access throughout the lot.

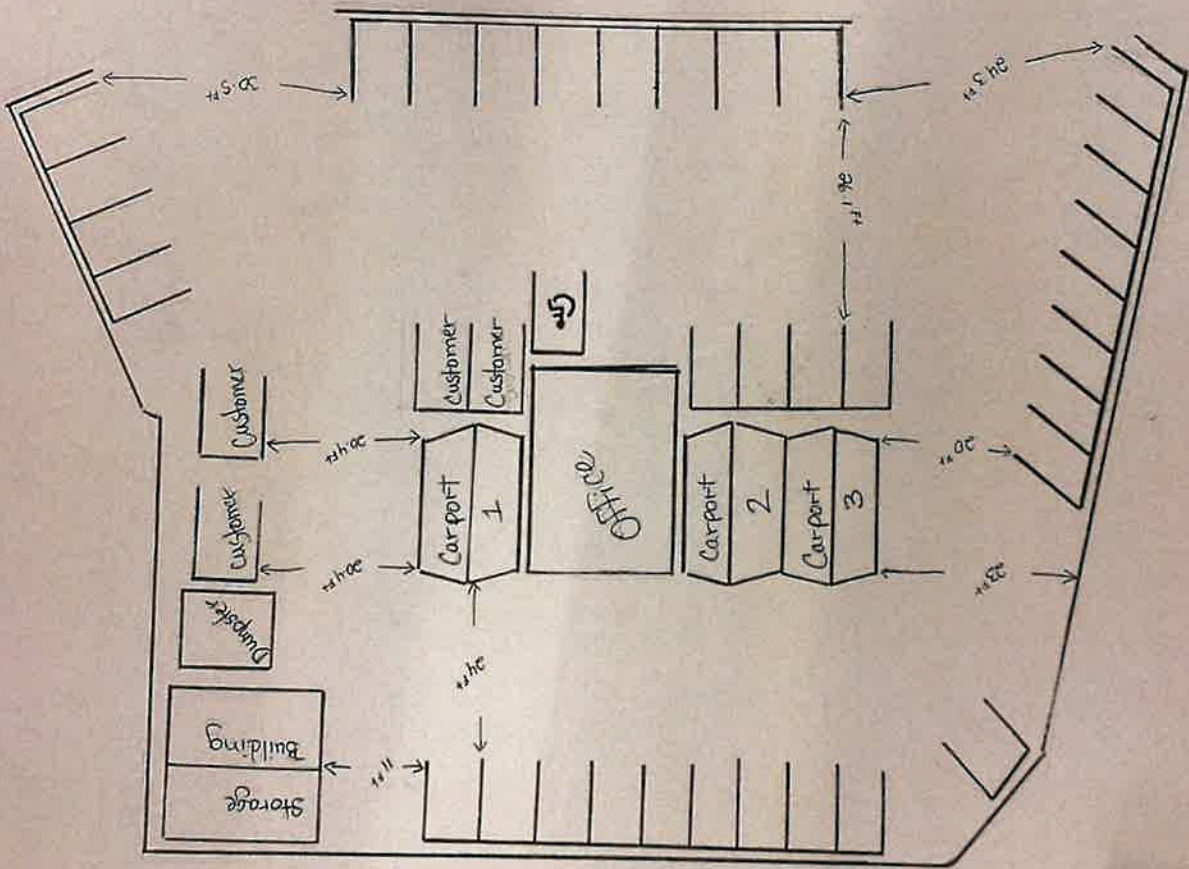
Since that time, the tenants have expanded the automotive sales to include auto repair and detailing. This has included the storage of many vehicles over and above what had originally been approved, many of which have not been operable. Also added to the site has been a detached accessory structure and dumpster. The addition of these components have caused the Planning Office to receive complaints which have/are being addressed by the City's Code Enforcement Department for the past year. These violations to City Code has prompted the property owner to seek a small expansion of the business.

Attached is a site plan submitted by the current tenants. City Staff also researched the property's ability to house many more vehicles and the plan is also attached. Staff, using scaled measurements, was comfortable with allowing an additional 8 vehicles on-site for the automotive sales business; however, the automobile detailing and repair would not be allowed, nor would the dumpster or accessory structure be allowed to stay on-site.

RECOMMENDATION:

The applicant was unable to submit a standardized site plan and meet with Staff prior to this (June 11th) meeting date, therefore, Staff would recommend the item be deferred until the regular scheduled July meeting date.





UORV2824



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:** 5/12/2023 Trademark Investments LLC
2. **Name of Property Owner:** ~~Hebel Commercial Realty~~ JEFF KENLEY
Mailing Address: 218 S. Cumberland St. City/State/Zip Morristown 37813
Telephone: (Home) _____ (Business) _____ (Mobile) _____
E-Mail Address: _____
3. **Name of Applicant:** Oniel Santiesteban Arias Motorsport Auto Sales
Mailing Address: 2020 East AJ Hwy City/State/Zip Morristown, TN 37814
Telephone: (Home) _____ (Business) _____ (Mobile) (423) 839-5498
E-Mail Address: motorsportautosales23@gmail.com
4. **Name of Agent** (third party): _____
Mailing Address: _____ **City/State/Zip** _____
Telephone: (Home) _____ (Business) _____ (Mobile) _____
E-Mail Address: _____
5. **Property information:** **Street Address:** 2020 East Andrew Johnson Hwy.
County Tax Map: _____ **Group:** _____ **Parcel(s)** 034CB014.00
Current zoning: _____ **Parcel size:** _____ **City/U.G.B.** _____
Existing Use: Auto Sales **Proposed Use:** Auto Sales
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: change in original site plan
 - 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:** Oniel Santiesteban **Date:** 05-11-2023

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

Incorporated 1855

DEPARTMENT OF COMMUNITY DEVELOPMENT & PLANNING

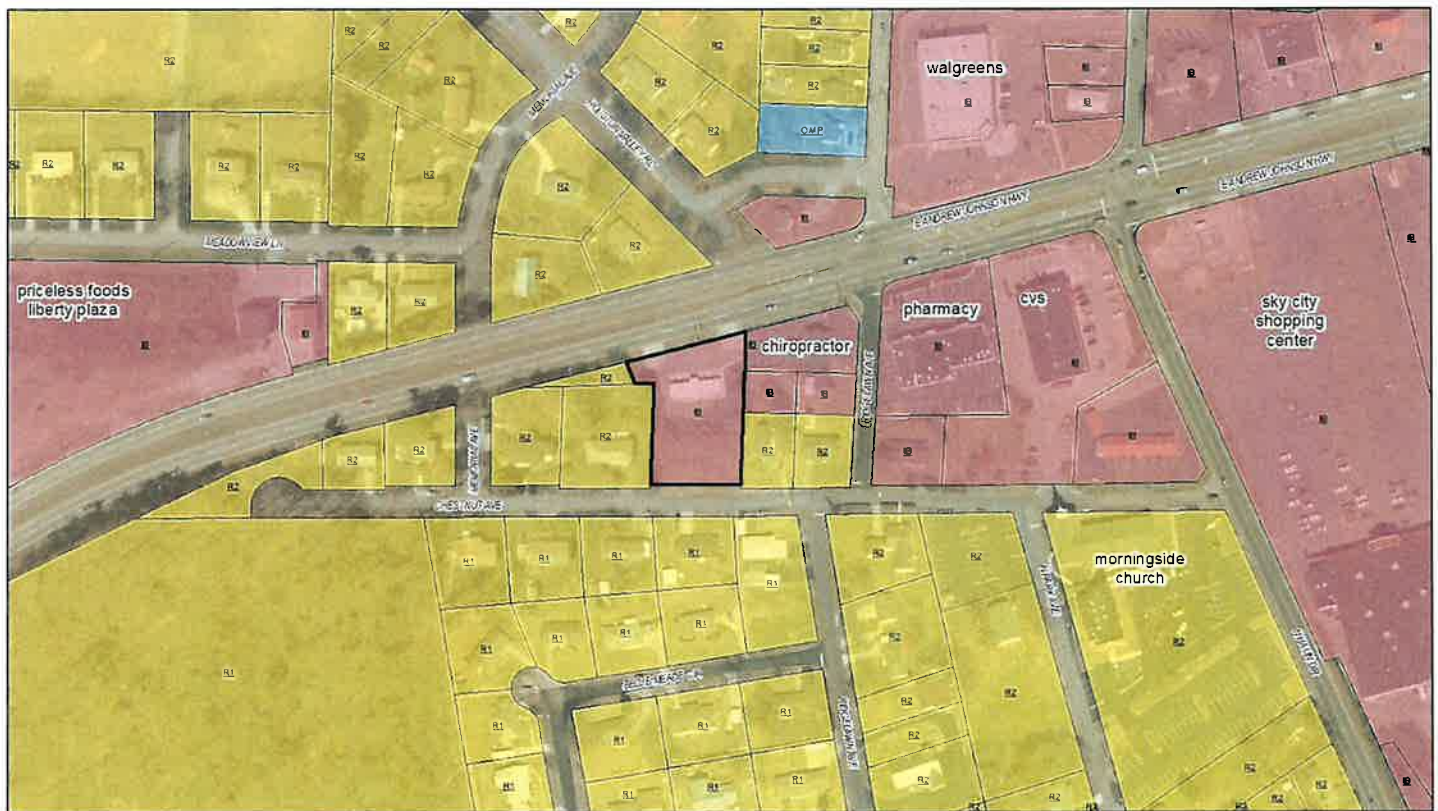


TO: Morristown Board of Zoning Appeals
FROM: Lori Matthews, Senior Planner
DATE: May 14th 2019
SUBJECT: Use on Review Request for Automobile Sales

SUBMITTAL:

The Planning Department has received a request from Mr. Oniel Santiezteban to operate an automotive sales center at 2020 East Andrew Johnson Highway. The property, owned by Trademark Investments, 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.

Surrounded by residential, (Morningside Addition and Morningside Extension) this parcel also marks the beginning of a commercial corridor along this end of East Andrew Johnson Highway. (see graphic below) The property is currently vacant except for the remnants of a former car wash which includes a small office between 4 car washing stations, the stations will serve as 4 parking spaces to be included as part of the total overall parking requirement.



The submitted site plan indicates the rear of the property (along Chestnut Avenue) will not be used and will remain grassed. The front half of the property which fronts East Andrew Johnson provides enough room for a maximum of 22 parking stalls, 1 of which will be handicapped and 3 will be dedicated to customer parking. The remainder may be utilized

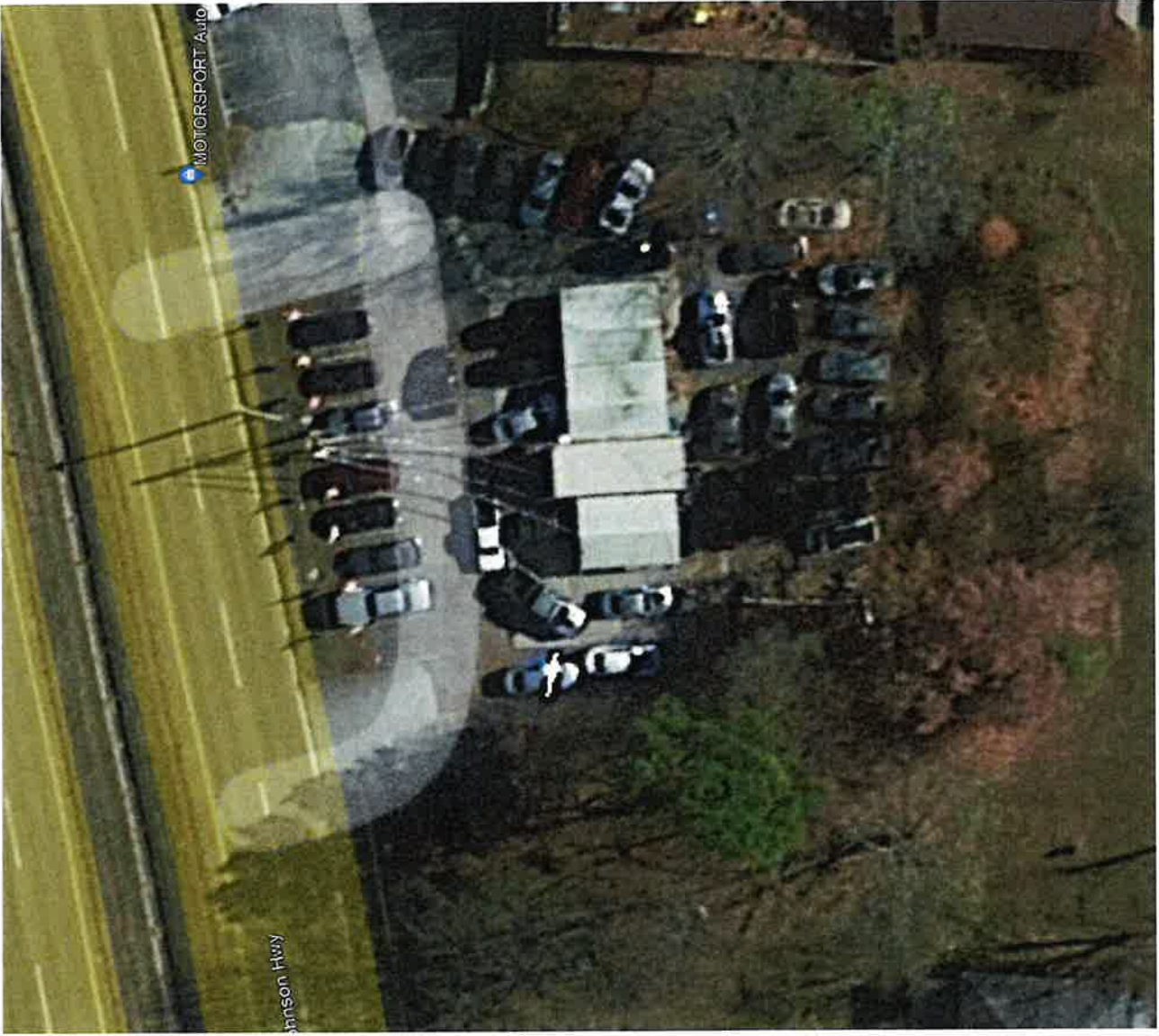
for storage of sales vehicles. Entering and exiting the site will be one way only with signage provided along the highway. Trees already exist which buffer the site on three sides from the adjoining residential properties.



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.



Mar 17, 2021 at 1:45:18 PM
2015 Chestnut Ave
Morristown TN 37814
United States



Mar 17, 2021 at 1:44:41 PM
2020 E Andrew Johnson Hwy
Morristown TN 37814
United States



Mar 17, 2021 at 1:44:26 PM
2020 E Andrew Johnson Hwy
Morristown TN 37814
United States



Mar 17, 2021 at 1:43:18 PM
1917 Chestnut Ave
Morristown TN 37814
United States



Mar 17, 2021 at 1:42:56 PM
2020 E Andrew Johnson Hwy
Morristown TN 37814
United States



Mar 17, 2021 at 1:44:55 PM
2020 E Andrew Johnson Hwy
Morristown TN 37814
United States



