

MORRISTOWN BOARD OF ZONING APPEALS
Agenda
November 14th, 2023



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

Call to Order

I. Approval of October 10th, 2023 Minutes

II. Old Business: None

III. New Business:

UORV-2906: Use on Review Request
Residential in IB at 1058 S. Cumberland Street

IV. Departmental Reports: None

Adjournment

*The next meeting of the Morristown Board of Zoning Appeals is scheduled for November 14th, 2023, at 4:00 pm.
The deadline to submit applications for this meeting is October 16th, 2023.*

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Members Present

Vice-Chairman Jack Kennerly
Secretary Robert (Bob) Garrett
Mayor Gary Chesney

Board Member Sabrina Seamon
Board Member Dr. Alpha Alexander

Members Absent

Board Member Frank McGuffin
Chairman Ventrus Norfolk

Others Present

Adam Hatton
Tami Turner
Rick Hartman
Chris Raines
Time Hewes
Donna Thompson
Brian Anglea
Larry Anglea
Josh Russell

Staff Present

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

Others Present Continued

Debra Williams
Wade Littleton
Doug Hart
Lee Shepard
Jorge Guzman
Jorge Guzman Jr
Lisa Baker
Matt Sexton
Cynthia Parrish

Chairman Ventrus Norfolk called the meeting to order.

I. Election of Officers:

Board of Zoning Appeals voted to continue member rolls.

Voting Results upon voice vote all Ayes. Motion carries.

II. Approval of July 7th, 2023, minutes:

Mayor Gary Chesney made a motion for approval of the July 7th, 2023, minutes seconded by Board Member Dr. Alpha Alexander

Upon voice votes, all Ayes. Motion Carries.

III. Old Business:

None

IV. New Business:

Setback Variance Request Watercrest St

Senior Planner Lori Matthews brought forth a request from property owner Bobby McCoy seeking a variance to the required street side setbacks for his proposed construction of a single-family house to be built at 1000 Watercrest Street, at its intersection with North High Street. The property is zoned Office and Medical Professional (OMP) which requires wider building setbacks than the City's residential districts.

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Ms. Matthews stated that several of the surrounding lots in this area, built in the 1920's, have since been divided (illegally) into smaller lots. The subject site is only 4,400 square feet in size. A 575-foot building footprint could be constructed using the required setbacks as shown below: In working with the applicant to possibly obtain a larger building footprint, Staff used front and side yard modifications as allowed under the City's Zoning Ordinance, Sections 14-217 and 14-218. Using this section of Code, Staff was able to approve all setbacks except for the North High Street (eastern) side setback. Using the setbacks provided by Staff, the applicant could more than double the size of the allowed building footprint. As the housing to the north appears to be a minimum of 15 feet from the North High Street rights-of-way, Staff would wish to continue that on this site; however, the applicant is seeking a 10-foot setback from North High Street.

As there are no topographical or other conditions to change the setbacks further, Staff asked the Board of Zoning Appeals to deny the variance request as no rationale was provided by the applicant on which to base an approval pursuant to the City's Zoning Ordinance.

Mayor Gary Chesney made a motion to accept Staff's recommendation to deny the request seconded by Board Member Dr. Alpha Alexander.

Tim Hurst, property builder, explained that he wanted to build a nice, 2-bedroom home on the lot and needed the space to accommodate the house.

Voting Results 7 yes, 0 no. Motion carries.

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: Josh Cole, Senior Planner *JC*
DATE: November 14th, 2023
SUBJECT: Use on Review Request for Residential in Intermediate Business
1058 S. Cumberland Street

BACKGROUND:

Staff has received a use on review request for 1058 S. Cumberland Street to have a residential use in the Intermediate Business District. Per the zoning ordinance, residential uses in this district are only permitted above the ground floor of a commercial building and require approval from the Board of Zoning Appeals. From S. Cumberland Street, the portion seeking approval is on street level; however, it is the second floor from Freshour Street.



RECOMMENDATION:

This request meets the use on review requirements set forth in the zoning ordinance. As a result, staff recommends approval.