

MORRISTOWN BOARD OF ZONING APPEALS

Agenda

October 10th, 2023



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

Call to Order

I. Annual Meeting:

Election of Officers: Chairman, Vice-Chairman, Secretary

II. Approval of July 11th, 2023 Minutes

III. Old Business: None

IV. New Business:

1. Setback Variance Request:
Watercrest 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.*

Morristown Board of Zoning Appeals Minutes

July 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

Elisha Lane
Tom Black
Terry Fishburn
Debra Williams
Mayra Castellanos
Federico Diluzio
Jorge Guzman
Glenna Howington

Chairman Ventrus Norfolk called the meeting to order.

II. Approval of April 11th, 2023, minutes:

Board Member Frank McGuffin made a motion for approval of the April 11th, 2023, minutes seconded by Mayor Gary Chesney.

Upon voice votes, all Ayes. Motion Carries.

II. Old Business:

None

III. New Business:

Use on Review Request: UORV-2831 1028 W Main St

Senior Planner Lori Matthews brought forth 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. The 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.

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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 required 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.

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

Board Member Jack Kennerly made a motion to approve the use seconded by Board Member Frank McGuffin.

Neighbor Terry Fishburn spoke of his concerns of unrepaired cars sitting on lot will devalue his property. Property owner, Eli Lane, spoke in regard to the fence between the properties and number of cars unrepaired that he intended to keep on the lot.

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

Use on Review Request: UORV-2847 1311 S Cumberland St

Senior Planner Lori Matthews brought forth 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.

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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.

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

Board Member Jack Kennerly made a motion to approve the use seconded by Secretary Robert (Bob) Garrett

Planning Director, Steve Neilson, announced that on June 14 the Local Government Planning Advisory Commission passed the Hamblen County Growth Plan.

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, Senior Planner 
DATE: October 10th, 2023
REQUEST: Setback Variance Request

SUBMITTAL:

Property owner Bobby McCoy is 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.

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:

Front	35 feet
Rear	30 feet
Street side	15 feet
Side	10 feet

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.

RECOMMENDATION:

Staff would ask 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 below:

1. 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 sub-stantially 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. Notwithstanding anything to the contrary herein contained, the BZA shall not have the authority to grant a variance from the application of the Sign Ordinance, Chapter 29 (3095-04/02/2002) of Title 14, Chapter 2 of the Municipal Code.
(2379-11/01/1983) (2448-09/17/1985)*



Pink = Building footprint available currently
Blue = Building footprint asked for by applicant
Yellow = Building footprint set by City Staff

James McCoy

1000 Watercrest St.

Morristown City.

The required setbacks are 35 feet in front, 30 feet in the rear, and 10' feet along each side. The variances we are asking for would be 15' feet in the front, 30' feet in the rear, and 10' feet along each side.

With the setback requirements in place, it practically prevents a home from being constructed on this lot now or later. By building a house you will add to the taxes collected by the city and county and add inventory to a starved for inventory housing market. Not to mention that there are numerous homes within the city that do not align with these guidelines, all though they are grandfathered in, they don't appear to be a detriment to our community. All we are trying to do is add new life to an older area. There is a larger benefit to the city rather than negative over a few feet especially when the city is sitting full of houses over the line. I understand their guidelines (I think I am correct saying) this lot was cut off before those restrictions were in place.

James McCoy

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