

MORRISTOWN BOARD OF ZONING APPEALS
Agenda
January 9th, 2024



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

Call to Order

- I.** Approval of November 14th, 2023 Minutes
- II.** Old Business: None
- III.** New Business:
 - Variance Request
 - 423 MacArthur Street
- IV.** Departmental Reports: None

Adjournment

*The next meeting of the Morristown Board of Zoning Appeals is scheduled for February 13th, 2024, at 4:00 pm.
The deadline to submit applications for this meeting is January 15th, 2024.*

Board of Zoning Appeals Minutes

November 14th, 2023

Members Present

Chairman Ventrus Norfolk
Vice-Chairman Jack Kennerly
Secretary Robert (Bob) Garrett
Mayor Gary Chesney
Board Member Frank McGuffin
Board Member Sabrina Seamon
Board Member Dr. Alpha Alexander

Staff Present

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

Others Present

Geraldine Kennedy
Leslie Jo Deaderick
Wade Littleton

Others Present Continued

T. Phillip Carlyle
Jorge Guzman

Chairman Ventrus Norfolk called the meeting to order.

I. Approval of October 10th, 2023, minutes:

Vice-Chairman Jack Kennerly made a motion for approval of the October 10th, 2023, minutes seconded by Board Member Frank McGuffin.

Upon voice votes, all Ayes. Motion Carries.

II. Old Business:

None

III. New Business:

Use on Review Request Residential in IB

Josh Cole, Senior Planner, brought forth a request for a use on review 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.

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

Board Member Frank McGuffin made a motion to approve the use on review seconded by Secretary Robert (Bob) Garrett.

Board of Zoning Appeals Minutes November 14th, 2023

Board Member Frank McGuffin asked Mr. Cole to clarify that the residential unit is on the second floor of the building. Mr. Cole stated that from Freshour, the residential unit is on the second floor, however from S. Cumberland St. it is on ground level. Mayor Gary Chesney asked the address of the building. Mr. Cole replied that the building is addressed on S. Cumberland St. Board Member Sabrina Seaman asked if there were building plans. Mr. Cole stated that at this time, there is not. Vice-Chairman Jack Kennerly stated that from his position this is a one level building with a basement.

Voting Results 2 yes, 5 no. Motion failed due to insignificant votes.

There being no further business, the meeting was 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: January 9th, 2023
REQUEST: Variance Request for Detached Accessory Structure

SUBMITTAL:

City Staff has received a request variance from property owner Fabio Morell for his property located at 423 MacArthur Street. The Planning Commission recently rezoned this area from industrial to residential. The lot, which was vacant, fronts MacArthur Street and contains 7,500 square feet. Mr. Morell has erected an accessory structure on the property, however, he did so without any type of departmental approval.

In order to have an accessory structure, there must first be a primary structure on the same lot, in this case, a residential dwelling. The applicant had received building approval to construct a residential house (see attached), but decided to instead build an accessory structure, which appears to be within the frontyard building setback. Accessory structures are only allowed within sideyard and rearward building setbacks.

Due to the method used in its construction, the property owner states the structure cannot be moved.

The Board of Zoning Appeals may grant a variance to the property based on the following: exceptional narrowness, shallowness or shape of the property; exceptional topographic conditions of the property; other exceptional or extraordinary property situations. The Board of Zoning Appeals may attach conditions regarding the location, character or other features of the structure when granting a variance.

RECOMMENDATION:

Staff would ask the Board of Zoning Appeals not grant approvals to this accessory structure as none of the terms in which to grant a variance have been met.



Building plans state a 1,200 sq ft house is to be built; however, the setbacks as provided by the applicant show a 1,600 sq ft building footprint.



BOARD OF ZONING APPEALS APPLICATION

City of Morristown



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:

Date: 12/15/2023

Property information: Address: 423 MACARTHUR ST MORRISTOWN TN 37814

County Tax Map: _____ Group: _____ Parcel(s) _____

Current zoning: _____ Parcel size: _____ City/U.G.B. _____

Existing Use: _____ Proposed Use: _____

1) Name of Property Owner: FABIO RAMON MARTINEZ MORELL

Address: 2147 BRIGHTS PIKE City/State/Zip MORRISTOWN TN 37814

Contact Number: 8653489527 Email FABIO12RAMON12@GMAIL.COM

2) Name of Applicant (if different): _____

Address: _____ City/State/Zip _____

Contact Number: _____ Email _____

3) Name of Agent (if applicable): _____

Address: _____ City/State/Zip _____

Contact Number: _____ Email _____

4) 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: _____

c) Appeal WE HAD A SITUATION WITH A SHED AND CAUSED BY MISINFORMATION OF INSPECTORS WE BUILT IT WITHOUT PERMIT,
d) Other Requests: NOW WE ARE TRYING TO GET IT

5) Submit site plans, surveys, special fees or other items as required for review.

6) Applicant Signature: [Signature] Date: 12/15/2023

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 Building Permit Application



DATE: 5/30/23 *Work without first obtaining proper permits shall be subject to double fees.*

TYPE OF JOB: (Check one)

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 1027 VALUATION AMOUNT \$ 80000

ADDRESS OF JOB: 423 MacArthur

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

Yolnito
407.920.5766

APPLICANT INFORMATION:

APPLICANT'S NAME: FABIO RAMON MARTINEZ MORELL

ADDRESS: 2147 BRIGHTS PIKE MORRISTOWN TN

CONTACT NUMBERS: 865 348 9527 EMAIL: Fabio12ramon12@gmail.com

The applicant is also the: Owner Contractor Other:

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

OWNER'S NAME: FABIO RAMON MARTINEZ MORELL

ADDRESS: 2147 BRIGHTS PIKE MORRISTOWN TN

CONTACT NUMBERS: 865 348 9527 EMAIL: Fabio12ramon12@gmail.com

CONTRACTOR INFORMATION (Fill out if different from Applicant):

CONTRACTOR'S NAME: _____

ADDRESS: _____

CONTACT NUMBERS: _____ EMAIL: _____

LICENSE CLASS: _____ LICENSE NUMBER: _____

DESCRIBE WORK/NOTES:

We are going to do the foundation, a contractor will do the rest

| FOR ADMINISTRATIVE USE ONLY | | |
|--|--------------------|-------------|
| Permit # _____ | Approved by: _____ | Date: _____ |
| Plans received: <input type="checkbox"/> 2 sets hard copies <input type="checkbox"/> PDF | Fee: \$ _____ | |



**BUILDING DEPARTMENT
CITY OF MORRISTOWN**
100 W. 1st North Street
Morristown, TN 37814
Phone (423) 581-0100

BUILDING PERMIT: RBLD-021681-2023

| | |
|----------------------|-----------------------------|
| Type: | Residential - Single Family |
| Workclass: | New |
| Valuation: | \$80,000 |
| Date Issued: | 6/13/2023 |
| Site Address: | 423 Macarthur St |

Description of Work: New construction at 423 MacArthur Ave

Property Owner: Fabio Morell
Mailing Address: 2147 Brights Pike
Phone Number: 8653489527

Contractors

FEE ITEMS

Amount

Applicant | 8653489527

Total \$380

INSPECTOR CONTACT INFORMATION

Chief Building Official
Phone: 423-585-4626
Fax: 423-585-4679

Electrical Inspector
Phone: 423-585-4628
Fax: 423-585-4679

Building Inspector
Phone: 423-585-4627
Fax: 423-585-4679

Plumbing & Gas Inspector
Phone: 423-585-4625
Fax: 423-585-4679

IMPORTANT: APPLICATION IS HEREBY MADE TO THE BUILDING OFFICIAL FOR A PERMIT SUBJECT TO THE CONDITIONS AND RESTRICTIONS SET FORTH ON THIS APPLICATION AND THE FOLLOWING:

Applicant Copy

- All inspection of the work authorized by this permit is required. A Certificate of Occupancy must be obtained prior to use and occupancy of new buildings, structures and remodeling work.

This permit/plan review expires by time limitation and becomes null and void if the work authorized by the permit is not commenced within 180 days from the date of permit issuance or if the permit is not obtained within 180 days from the date of plan submittal. This permit expires and becomes null and void if any work authorized by this permit is suspended or abandoned for 180 consecutive days or if no progressive work has been verified by a City building inspector for a period of 180 consecutive days.

Signature of Contractor or Authorized Agent

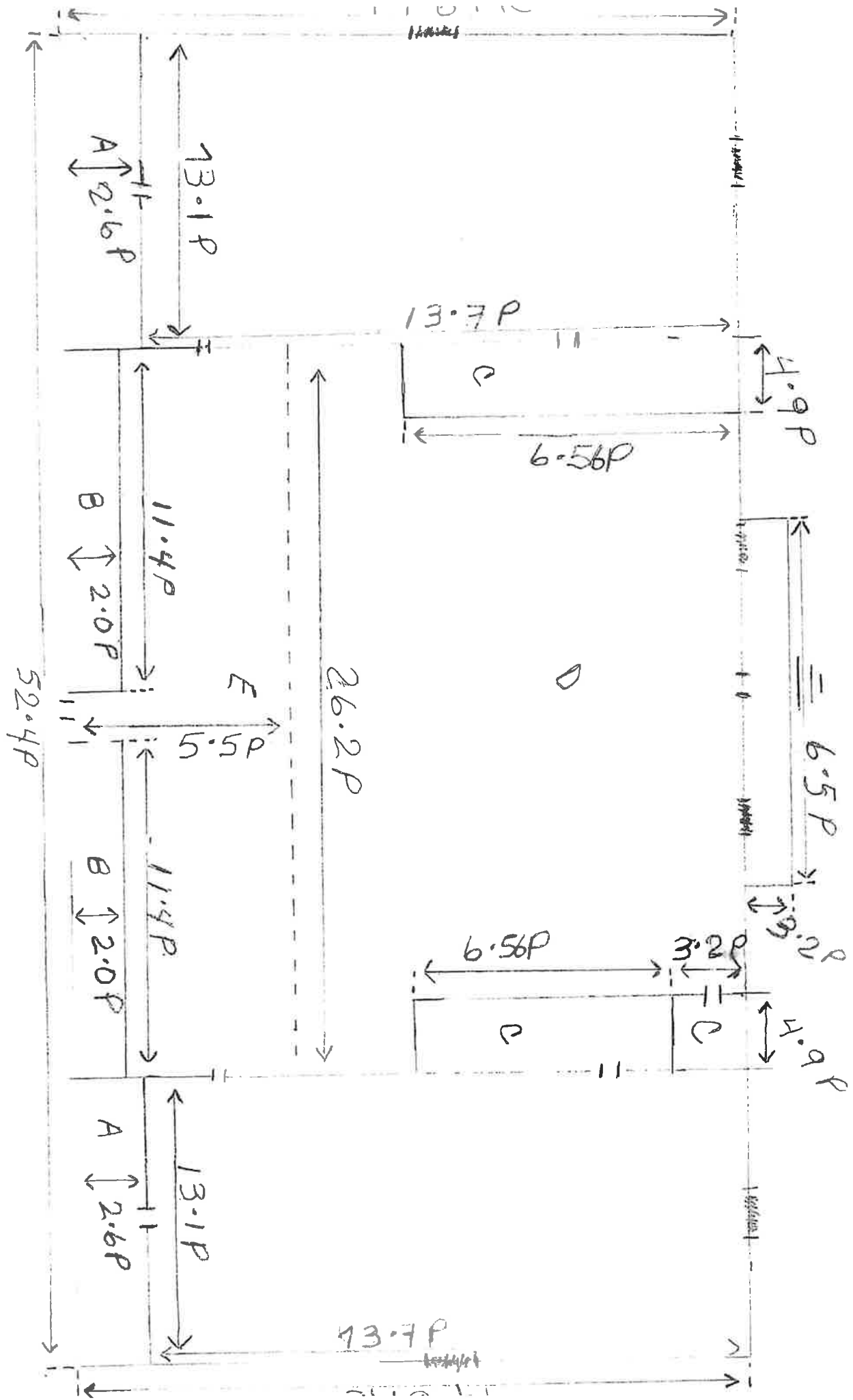
Cody Truesdell /HR
Approved By

6,13,23

6/13/23

MUST BE POSTED ON JOB SITE

FABIO RAMON MARTINEZ MORELL



DESCRIPTIVE MEMORY

A - closet

B - STOVE PLATEAU

C - TOILETS

D - HALL

E - EAT in KITCHEN

(mm) - WINDOW

|| - DOOR

UNIT OF MEASUREMENT FOOT

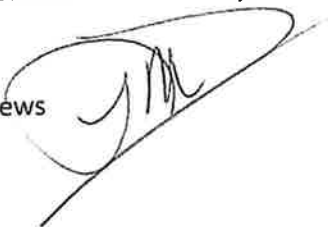
(423 MacArthur Street)

A minimum of 20 feet from all property lines must be maintained. A dwelling no larger than 1,200 square feet should fit within these averaged setbacks.

No variance to house size or building setbacks will be allowed as the property until the applicant can produce a recorded subdivision plat showing the formation of this lot: (423 MacArthur)

Averaging of setbacks allowed pursuant to Section 14-219 and 14-220 of the Zoning Ordinance –
Modification of Front and Sideyard Setbacks.

5/2/2023
Lori Matthews



City of Morristown

Incorporated 1855

DEPARTMENT OF COMMUNITY
DEVELOPMENT & PLANNING

