

**MORRISTOWN BOARD OF ZONING APPEALS**  
**Agenda**  
**May 14<sup>th</sup>, 2024**



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

**Call to Order**

**I.** Approval of January 9<sup>th</sup>, 2024 Minutes

**II.** Old Business: None

**III.** New Business:

Use on Review Request

Home Occupation (Salon) at 324 N. Hill Street

**IV.** Departmental Reports: None

**Adjournment**

*The next meeting of the Morristown Board of Zoning Appeals is scheduled for June 11<sup>th</sup>, 2024, at 4:00 pm.  
The deadline to submit applications for this meeting is May 20<sup>th</sup>, 2024.*

# Board of Zoning Appeals Minutes

## January 9<sup>th</sup>, 2024

### 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  
Mark Johns, Chief Building Official  
Cody Trent, Building Inspector  
Jose Rojas, Code Enforcement Officer  
Dillin Heck, Plumbing, Gas, Mechanical Inspector

### Others Present

Randy Corlew  
Glenna Howington  
Jorge Guzman

### Others Present Continued

Fabio Morell  
Mr. & Mrs. Morell

Chairman Ventrus Norfolk called the meeting to order.

### **I. Approval of November 14<sup>th</sup>, 2023, minutes:**

Board Member Frank McGuffin. made a motion for approval of the November 14<sup>th</sup>, 2023, minutes seconded by Board Member Sabrina Seamon.

Upon voice votes, all Ayes. Motion carries.

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

None

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

#### **Variance Request – VARI 2941: 423 MacArthur St.**

Lori Matthews, Senior Planner, brought forth a request 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

# Board of Zoning Appeals Minutes

## January 9<sup>th</sup>, 2024

the front yard building setback. Accessory structures are only allowed within side yard and rear yard building setbacks. Due to the method used in its construction, the property owner stated 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.

Staff asked the Board of Zoning Appeals to deny this accessory structure as none of the terms in which to grant a variance have been met.

Mayor Gary Chesney asked Ms. Matthews to verify that Staff's recommendation is to deny the request. Ms. Matthews confirmed.

Mr. Fabio Morell spoke in favor of keeping the detached accessory structure. Mayor Gary Chesney asked Staff what he needed to do at this point. Staff replied that the structure must come down and the primary structure built.

Chairman Ventrus Norfolk stated that there appeared to be opposing statements regarding the type of structure that was built and if it met any building code. Building Inspector Cody Trent spoke regarding his findings upon approaching the property at Code Enforcement's request.

Board Member Frank McGuffin made a motion to deny the variance seconded by Mayor Gary Chesney.

Voting Results 7 yes, 0 no. Motion passed to deny the request.

There being no further business, the meeting was 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: Josh Cole, Senior Planner  
DATE: May 14<sup>th</sup>, 2024  
SUBJECT: Home Occupation Use on Review Request  
Salon at 324 N. Hill Street

## **BACKGROUND:**

Staff has received request to operate an appointment only salon from a residence at 324 N. Hill Street, which is the former MATS location. Per the city's home occupation regulations, this request must receive BZA approval since clients will be going to the residence. The applicant has provided staff with a signed home occupation application agreeing to all the terms and conditions as stated under Section 14-228 which regulates Home Occupations (see attachment). The applicant has noted that he will be using 480 square feet for the salon. Additionally, he knows that he must be a maintain his status as a resident at this location for the permit to remain valid.



## **RECOMMENDATION:**

Staff recommends approval of this Home Occupation as the applicant as agreed to all the applicable terms and conditions required of such. It should be noted that any violation of said terms and conditions can result in the revocation of the permit.

UORV-2982



# 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: 4/8/24

Property information: Address: 324 N. Hill Street

County Tax Map: 034I Group: B Parcel(s) 004.00

Current zoning: R2 Parcel size: 43 City/U.G.B. \_\_\_\_\_

Existing Use: Office Proposed Use: Salon

1) Name of Property Owner: Lakeway Holdings Co.  
Address: 180 Ard Dr. City/State/Zip Bean Station TN 37708  
Contact Number: 423-307-9190 Email C.Simmons1@outlook.com

2) Name of Applicant (if different): Randy Helton  
Address: 324 N. Hill St. City/State/Zip Morristown TN, 37708  
Contact Number: 423-231-9882 Email \_\_\_\_\_

3) Name of Agent (if applicable): N/A  
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 \_\_\_\_\_
- d) Other Requests: \_\_\_\_\_

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

6) Property Owner Signature: [Signature] Date: 4/8/24

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).



## HOME OCCUPATION PERMIT APPLICATION

*\*When Board of Zoning Appeals approval is required, please include the standard Board of Zoning Appeals application with your request. Some Home Occupation are considered a use on review under 'Nature of Request'.*

### TO BE COMPLETED BY APPLICANT:

1. Applicant Name(s): Randy Helton
2. Name of Business: Randy Helton Studio
3. Address: 324 W. Hill Street
4. Subdivision Name if Applicable: \_\_\_\_\_
5. Is the proposed use in compliance with all private deed restrictions, covenants, homeowner's association rules and/or subdivision polices?  Yes  No
6. Phone Number(s): 423-231-9882
7. Fax or email: \_\_\_\_\_
8. What is the nature of the business that is proposed (be specific and attach letter of explanation if necessary)? Appointment Only Salon

9. The following conditions must be met for approval of a Home Occupation Permit. Please read carefully and place a check mark (✓) next to each entry signifying acknowledgement of conditions and that the proposed Home Occupation will meet all conditions:

- a. The location for the home occupation is the principal domicile or permanent residence of the applicant(s) as demonstrated by the same address shown on applicant's valid driver's license and/or voter's registration card.
- b. Not more than 25% of the gross floor area or 500 square feet, whichever is less, of the principal domicile or any accessory structure shall be used for the home occupation, including the storage of any materials or products related to the home occupation. 480 sf.
- c. No more than one employee affiliated with the home occupation who is not a permanent resident of the dwelling unit shall be employed at the site of the home occupation.


- d. No more than one home occupation will be conducted on the premises of the home occupation site.
- e. Products or materials shall not be visible on the premises from any street or sidewalk adjacent to the property on which the home occupation is situated.
- f. A home occupation shall be limited to one, wall-mounted sign, mounted flatly against the structure, that shall not exceed two (2) square feet in size and such sign shall not have lights, be illuminated, flash, glimmer, flutter or have movement by any electronic, wind or other means. *Decal sign affixed only to the glass of a patio door.*
- g. There shall be no significant increase in the use of utilities such as water, sewer, gas, garbage, or electricity that would indicate the usage of the property other than the use for residential purposes.
- h. There shall be no external storage of materials incidental to the home occupation.
- i. No equipment or process associated with the home occupation shall generate noise, vibration, smoke, dust, glare, electrical interference, odors, fumes, or other objectionable effect detectable to the normal senses beyond the property lines of the lot on which the business is situated, or if within a multi-family structure, beyond the confines of the individual dwelling unit.
- j. Off-street parking shall be provided on the premises in sufficient quantity to accommodate all residents of the domicile, delivery vehicles, employees, clients, customers, students, visitors, etc. affiliated with the residence and the home occupation. *No off street parking necessary. Appointment Only.*
- k. No activity related to the home occupation shall be permitted outdoors on the property.
- l. No new construction or alternations to any existing structure on the site shall be made to indicate from the exterior that the buildings are being used for other than residential purposes.
- m. There shall be no group instruction in connection with the home occupation. For the purposes of this subsection, instruction shall be group instruction if it involves more than two (2) students at any time.
- n. There shall be no group assembly involved with the home occupation.
- o. Deliveries to the premises shall be consistent with the intent and purpose of maintaining the residential character of the neighborhood and shall not exceed two business deliveries between the hour of 8:00 a.m. and 6:00 p.m. to the premises per day.
- p. One (1) commercial vehicle (one and one-half ton or less in size) owned by the residents of the domicile may be used in conjunction with the home occupation. The vehicle will be deemed in use for the home occupation if it advertises the home occupation and/or contains or stores materials including stock, wares, goods, samples, or equipment. Such vehicle shall be stored in a garage or building or shall be concealed so as not to be *Not necessary.*


visible from the street or sidewalk adjacent to the premises when it is parked at the residence.

- q. No earth moving equipment or heavy construction or hauling equipment or building materials shall be allowed on the premises.
- r. The Board of Zoning Appeals, when considering a permit for a home occupation, may render additional requirements specific to a particular application as it may deem necessary to protect the intent and purpose of maintaining the residential character of the neighborhood in which the application is being sought.
- s. Home Occupation permits shall not be transferrable. A new homeowner, property owner, descendant, heir or individual other than that to whom the Board of Zoning Appeals issues a home occupation permit shall be required to apply for a new home occupation permit.

10. Retail sales of any type are prohibited on the premises. Internet and mail order sales are permitted.

I (applicant) have read and understand the aforementioned regulations and agree to abide by all terms and conditions.

  
\_\_\_\_\_  
Signature of applicant

  
\_\_\_\_\_  
Date