

Morristown Board of Zoning Appeals
Minutes
December 8, 2015

Members Present

Chairman Terry Ball
Secretary Bob Garrett
Mayor Gary Chesney
Board Member Jim Beelaert
Board Member Bill Thompson
Board Member Jack Kennerly

Members Absent

Vice-Chairman Doug Beier

Others Present

Alan Hartman, Development Director
Lori Matthews, Senior Planner
Logan Engle, Planner
Eual Noah, Fire Marshal
Kat Morilak, Development Services
Ralph "Buddy" Fielder, Asst. City Admr.
Greg Ellison, Chief Building Official

T. Clint Harrison
Hix Masengill
Michele Parvin
Jim Whitbeck, PE
Debbie Lee
Jimmy Andrews

I. Approval of the October 13, 2015 minutes.

Board Member Thompson made a motion for approval of the October 13, 2015 minutes be approved; seconded by Mayor Chesney. Upon voice vote: all ayes.

II. VARI 1644-2015: CAC Properties for Lot 3A of Phase II Charles Nichols Subdivision along W.A.J. Highway -- 7.5 foot side yard setback variance

Ms. Matthews explained we have had a variance request from CSC Properties for Lot 3A of Phase II Charles Nichols Subdivision, property owner being Mr. Charles Nichols. Acting on behalf of the applicant will be Mr. Clint Harrison, PE. The property is 1.2 acres in size and is adjacent to Weigel's convenience store along W. Andrew Johnson Highway just past Walters Drive. It is currently zoned Planned Commercial Development (PCD). The surrounding properties including those across the highway are zoned Intermediate Business (IB). The concept plan submittal shows a total of 6,800 square feet of retail space which is one building and will house two separate businesses. The parking shown exceeds our minimum requirements of 34 spaces for this site and use. Side yard building setbacks required within a PCD vary depending on adjacent property uses and zoning. If adjacent to agricultural or residential developments, a 30 foot landscape setback is required. If adjacent to a public road or if the subject site is to be an interior site within the development, the setbacks can vary. In this case, the side building setback required is 15 feet. The applicant shows a distance of 10 feet between the building wall and property line which would normally require a variance of 5 feet. Because of the building design, the applicant has asked for a 7.5 foot setback variance to ensure, if granted, the allowance is made for a small overhang of the roofline. As talked about today at the luncheon, the property has some fairly severe topographic restraints as the west rear of the site has a significant drop in elevation. There is a 100 foot TVA power line easement that runs north and south along the property. This impacts the design of the site as no structures or building may be built within this easement.

Board of Zoning Appeals
December 8, 2015
Page 2


Staff feels the variance requested would not be unjustified and would recommend to this board that it be granted today.

Mr. Harrison stated it is a nice piece of property that has a 100 foot power line that goes through it. You can park under it. I have not turned in a full site plan yet. Are we restricted on the trees we would put in there for landscaping, just have to be smaller. There are no structures at all within the easement.

Board Member Thompson made a motion to approve the variance request of a 7.5 foot side yard setback variance for Lot 3A of Phase II Charles Nichols Subdivision; seconded by Board Member Beelaert. Voting results: 5 yes, 1 no. Voting yes were Secretary Garrett, Board Member Beelaert, Board Member Thompson, Board Member Kennerly and Mayor Chesney. Voting no was Chairman Ball.

There being no other business, the meeting was adjourned.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Bob Garrett", written over a horizontal line.

Bob Garrett
Secretary

RG/sk