

Morristown Board of Zoning Appeals

Minutes

November 8, 2016

Members Present

Board Member Bill Thompson

Chairman Doug Beier

Vice Chairman Jack Kennerly

Board Member Wanda Neal

Mayor Gary Chesney

Others Present

Lori Matthews, Senior Planner

Logan Engle, Planner

Ralph "Buddy" Fielder, Asst. City Administrator

Steve Neilson, Planning Director

Kat Morilak, Development Services

Eual Noah, Fire Marshall

Christopher Simmons

Robert Davis

T. Phillip Carlyle

Chairman Doug Beier called the meeting to order and invited anyone who wished to join the Commission in an Invocation and the Pledge of Allegiance to do so.

I. Chairman Beier called for the approval of the October 11, 2016 minutes.

Mayor Chesney made a motion for approval of the October 11, 2016 minutes; seconded by Board Member Thompson. Upon all voice votes, all Ayes.

II. Old Business: None

Members Absent

Board Member Jim Beelaert

III. New Business:

A. Uses-on-Review:

B. Variances:

VARI-1999-2016: 209 West 2nd North Street – Request for side yard setback

Planner Logan Engle discussed the variance request submitted by Mr. Chris Simmons in regard to the placement of an existing residential structure, which is the First Presbyterian Church Manse, on a property located at 209 West 2nd North Street. The applicant plans to move the home from the church property to this parcel in the following weeks.

The parcel is zoned Medium Density Residential (R-2). It is bounded by (R-2) zoned parcels to the west. The eastern-adjacent telephone building property, which Mr. Simmons owns, is zoned Central Business District (CBD).

The variance request for this property is a side setback variance. The side-yard building setback required for the (R-2) zone is fifteen feet to the side yard line for houses two stories in height, in accordance with Section 14-507 of the zoning ordinance. Granting of this variance request would not allow for any additional deviations from the setback restrictions.

It is important to note that this property became vacant as a result of a demolition of an existing home. The footprint of the previous residence did not conform to the zoning ordinance and had a western side setback of approximately eleven feet. In addition, many of the homes along West 2nd North Street are nonconforming to the zoning ordinance due to changes in zoning requirements and setback guidelines since the homes were initially constructed. For example, the adjacent home (215 West 2nd North Street) has side yard setbacks on either side between ten and eleven feet. Staff believes that the granting of this variance will be in keeping with the character of the neighborhood.

Due to the desire to preserve the nature of the existing neighborhood and to ensure appropriate placement of the home, staff would recommend that the Board of Zoning Appeals grant the requested side setback variance subject to the recording of the aforementioned subdivision plat.

Vice Chairman Kennerly made a motion to approve the side-yard setback variance; seconded by Mayor Chesney.

Voting Results: 6 yes, 0 no. Motion carries.

There being no further business, the meeting was adjourned.

Respectfully Submitted,

A handwritten signature in black ink that reads "Bob Garrett". The signature is written in a cursive style with a large, prominent "B" and "G".

Bob Garrett

Secretary

BG/jc