

Morristown Board of Zoning Appeals  
Minutes  
February 9, 2016

Members Present

Chairman Doug Beier  
Vice-Chairman Jack Kennerly  
Secretary Bob Garrett  
Mayor Gary Chesney  
Board Member Jim Beelaert  
Board Member Bill Thompson  
Board Member Wanda Neal

Members Absent

Delores Maness  
Amanda  
Ashley Jolly

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  
Jim Whitbeck, PE

Vice-Chairman Beier called the meeting to order.

I. Approval of the January 12, 2016 minutes.

Mayor Chesney made a motion for approval as amended of the January 12, 2016 minutes; seconded by Board Member Beelaert. Upon voice vote: all ayes.

**Election of Chairman:**

Board Member Thompson nominated Doug Beier for Chairman of the Board of Zoning Appeals; seconded by Board Member Beelaert. Upon voice vote: all ayes.

Board Member Beelaert nominated Jack Kennerly for Vice-Chairman of the Board of Zoning Appeals; seconded by Board Member Thompson. Upon voice vote: all ayes.

II. UORV 1650-2015: 3634 E. Andrew Johnson Highway to allow a beauty salon in the Heavy Industrial District (HI)

Ms. Engle explained this request was submitted by Ashley Jolly to operate a beauty salon at 3634 E. Andrew Johnson Highway. Ms. Jolly is the prospective tenant of this property, she is not the owner. She would be leasing this property. The property is owned by Frank and Cathy Southerland. The property is located to the south of E. Andrew Johnson Highway and is abutted by the railroad tracks to the rear of the property to the south. To the south, it is primarily Heavy Industrial area between there and Morris Boulevard. On the other side of East Andrew Johnson

Highway, it is primarily Intermediate Business zoned parcels. The site is approximately 0.31 acres and it houses a structure, although the property is zoned industrial, the structure is really more of a commercial storefront. The Heavy Industrial (HI) zoning classification states that "beauty shops/barber/shops" are uses permitted on review not uses permitted by right. That is why we are here bringing this request to the BZA. At this time, staff has received no phone calls either in opposition or in support. Staff did mail adjacent property letters to property owners at this site and posted a sign so persons would be notified of this request. The recommendation of staff is that the use is in accordance with the Zoning Ordinance provisions for beauty salons, one of the additional uses permitted on review therefore this board may approve or disapprove, but we would recommend approval. Ms. Jolly is here today and she is licensed cosmologist in the State of Tennessee.

Vice-Chairman Kennerly explained I just have a comment that might be relevant should the project to widen 11E ever crank up again that property would be condemned for right-of-way. Board Member Thompson asked did anyone say what the former use was of that property. Ms. Engle explained I think it has been a variety of things most recently it was a church. The building has a blue roof and white walls.

Vice-Chairman Kennerly made a motion for approval of the use on review to allow a beauty salon in the Heavy Industrial District (HI) at 3634 E. Andrew Johnson Highway; seconded by Mayor Chesney. Voting results: 7 yes, 0 no. Voting yes were Secretary Garrett, Board Member Beelaert, Board Member Thompson, Chairman Beier, Vice-Chairman Kennerly, Board Member Neal and Mayor Chesney.

III. 913 W. 1<sup>st</sup> North Street to allow the sale of art/antiques in the Office, Medical and Professional District (OMP)

Ms. Matthews explained the Board of Zoning Appeals has been asked to provide an interpretation of a specific use permitted by right under the city's current Zoning Ordinance. The request is for the interpretation of an artist's studio which is being sought for property located at 913 W. 1<sup>st</sup> North Street. The applicant is Ms. Delores Maness she represents the property owner which is Lakeview Management, LLC. The property, which is located just east of the intersection of N. High Drive with W. 1<sup>st</sup> North, is zoned Office, Medical and Professional (OMP). This district provides a transitional buffer between slightly heavier commercial uses downtown and neighboring single family residential areas with allowed uses including boarding house, beauty shop and small scale professional offices and studios to name a few. The subject property contains a two story building fronting W. 1<sup>st</sup> North Street, each floor being roughly 700 - 800 square feet in size. The bottom floor is currently occupied as living quarters with the top floor being vacant. The top floor is before this board today for the interpretation. The total lot size is 8,000 square feet (0.18 acre). All surrounding properties shown on the zoning map which include the framing store to the east, home health care office to the west and insurance and attorney's offices to the north and south. Ms. Maness has asked to utilize the second floor only to feature an antique restoration technique area and possibly some quilting techniques and classes which would be classified under our guidelines as an Artist's Studio which again is a use permitted by right within an OMP district. However, Mrs. Maness is asking also for the ability to sell these antiques on-site which is not specifically defined within current ordinance guidelines. Staff has research of an artist's studio both within those definitions as listed under

the NAICS (North American Industry Classification System) and those found in the American Planning Association Dictionary found that the sale of the art produced on-site is basically deemed a companion or accessory to that art production. In essence, it is understood that any art produced can and will be sold from the same establishment or location. Required parking for the existing residence and proposed use would require approximately 3 to 4 spaces which one would be handicapped. There is plenty of room to the rear of the building to accommodate the required parking as well as small loading/unloading area. Due to the proposed use having negligible impacts or additional traffic, no noise or pollution should be impacted and as the proposed use seems compatible with surrounding properties. Staff would recommend the BZA to rule in favor of this interpretation with the contingency being if possible, that any enlargement to or variance from the antique restoration and quilt artist's studio and sales would have to come before this board for additional approval. The question before this board is do you consider an artist's studio to include selling of the art and as I addressed it, many other interpretations do. Because our Zoning Ordinance does not state that specifically that you can sell your art, which is the interpretation that we need.

Board Member Thompson made a motion to approve the interpretation/use on review of the request to allow the sale of art/antiques in the Office, Medical and Professional District (OMP) at 913 W. 1<sup>st</sup> North Street; seconded by Vice-Chairman Kennerly. Voting results: 7 yes, 0 no. Voting yes were Secretary Garrett, Board Member Beelaert, Board Member Thompson, Chairman Beier, Vice-Chairman Kennerly, Board Member Neal and Mayor Chesney.

There being no other business, the meeting was adjourned.

Respectfully submitted,

Bob Garrett  
Secretary

RG/sk