

Morristown Board of Zoning Appeals

Minutes

October 11, 2016

Members Present

Board Member Jim Beelaert

Board Member Bill Thompson

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

T. Clint Harrison

Claude Smith

Robert Montgomery

Josiah Glafenhein

Barbara Garrow

Billi King

Members Absent

Chairman Doug Beier

Secretary Robert Garrett

I. Board Member Beelaert called for the approval of the September 13, 2016 minutes.

Commissioner Thompson made a motion for approval of the September 13, 2016 minutes; seconded by Commissioner Wanda Neal. Upon voice vote, all Ayes.

II. Old Business: None

III. New Business:

A. Uses-on-Review:

1.) UORV-1992-2016: 121 N. Cumberland St. - Request for bonding company in Central Business District (CBD)

Senior Planner Lori Matthews discussed the request submitted by Mr. Shawn Blanton on behalf of property owner G. O. Haggard for property located at 121 N. Cumberland Street. The request is to permit bail bonding as a use for that property within a Central Business District (CBD) zone. Our Zoning Ordinance currently regulates “bonding companies” to be allowed only with Board of Zoning Appeals approval. The proposed site is located at the southwest intersection of East and West 1st North Streets and North Cumberland Street across from the City Center. There exists a Methodist Church and parking to the North and East with a vacant building and alleyway to the Southwest. The whole of the surrounding is zoned Central Business District (CBD). As this is an office type use, Staff feels it is suited for the downtown area and has no objection to that specific use being located in a downtown district. However, Central Business District (CBD) zoned properties have no parking requirements. Staff would recommend that this request be granted pending clarification of customer and employee parking. Chairman Beelaert asked if this required a prior approval before occupancy. Lori Matthews stated that it did not.

Board Member Thompson made a motion to approve the request and Mayor Chesney seconded the motion.

Randy Corlew of 376 Lochmere Drive, asked if since it is going to be a 24/7 establishment if the occupants would be accessing the church parking lot directly across the street on Wednesday and Sunday nights. Shawn Blanton, the owner of the bail bonding company stated that there will not be a lot of traffic for his type of establishment and that they can just park behind the establishment in the alley as they already have permission from the property owner. Board Member Beelaert stated that Mr. Blanton just needs to be aware to the concerns of the church and he agreed.

Voting Results: 5 yes; 0 no. Motion carries.

2.) UORV-1995-2016: 433 Montvue Ave. – Request for recreational use facility in Medium Density Residential District (R2)

Senior Planner Lori Matthews discussed the request received from Mr. Clint Harrison on behalf of the property owner, Hamblen County Department of Education, for property located behind King Park on the east side of Montvue Avenue. The applicant is seeking permission to construct a batting cage on-site which would be considered a recreational use. As the property is zoned Medium Density Residential District (R2), parks and recreational typed land uses require BZA approval. Per current Medium Density Residential District (R2) regulations, any use on review

permitted within a Single Family Residential District (R1) may be allowed by the Board of Zoning Appeals within a Medium Density Residential District (R2).

The subject parcel is about 1/5 (8,700 sq. ft.) of an acre in size and is currently vacant. There exists a 15 foot right-of-way between this parcel and the King Park parcel to the north which the applicant is hoping to have abandoned. That will provide safe pedestrian access between users of both the park and proposed batting cage.

The entirety of this neighborhood is zoned residential and has been for a number of years. East High School adjoins the property to the west, King Park to the north with Single Family Residential (R1) surrounding the south side. Rutledge Place apartments which is a 64 unit complex, is across Seymour Street to the south. Staff has approved the site plan and sees the project in its entirety as being a win-win for the City, East High School, and the surrounding neighborhood. Staff would ask that the Planning Commission grant this use on review as submitted.

Mayor Chesney made a motion that the request be granted and it was seconded by Board Member Beelaert.

Voting Results: 5 yes; 0 no. Motion carries.

B. Variances:

1.) VARI-1979-2016: 119 Pope Road- Request to approve landscaping variance

Senior Planner Lori Matthews discussed the request submitted by Mr. Randy Corlew who is acting on behalf of Mr. Ahron Zignelnik for his property located along the east side of Pope Road. The request is to vary from Section 143-304 Minimum Landscape Requirements of the Zoning Ordinance which states the following:

“a.) All vehicular use areas shall be designed to ensure that every parking space is within 50 feet of a tree location (excluding off-site trees).”

The applicant is currently going through the review process for a planned unit development and subdivision of properties located along the south side of the Norfolk-Southern Railroad and east of Pope Road. On the submitted plans, the applicant has opted to locate vegetation to other areas within the site due to conflicts with utility easements.

This site has a rather large storm water easement tri-secting the property in addition to new utilities and their accompanying easements which will serve the site. Planting within these areas is not good practice. Staff feels that due to the number and placement of the easements, the site limits itself to great number of different designs. The minimum number of trees and/or shrubs required for the entire site has been met by the applicant; therefore, Staff would recommend that the Board of Zoning Appeals grant this variance.

Board Member Thompson made a motion to approve the landscaping variance request and Board Member Beelaert seconded it.

Board Member Beelaert asked if the motion should be amended to resolve utility easements on final site plan approval.

Mayor Chesney agreed that there should be and made a motion to amend the previous motion and approve the landscaping request and require that utility easements must be resolved upon final site plan approval and Board Member Beelaert seconded it.

Voting Results: 5 yes; 0 no. Motion carries.

2.) VARI-1981-2016 – Pope Road- Request for 2 buildings on 1 lot

Senior Planner Lori Matthews discussed the variance request submitted by Mr. Randy Corlew acting on behalf of Mr. Ahron Zignelnik for his property located along the east side of Pope Road. The request is to vary from Section 14-209, One Principal Building on Lot, of the Zoning Ordinance which states the following:

“Only one principal building and its accessory buildings may be erected hereafter on any lot. In the Residence Districts, any dwelling shall be deemed to be the principal building on the lot on which the same is situated, except rear dwellings as provided in Section 14-214.”

The applicant is currently going through the review process for a planned unit development an subdivision of properties located along the south side of the Norfolk-Southern Railroad and east of Pope Road. The proposed site plan shows two buildings on one lot, both being constructed on former building footprints. King Collision is wishing to purchase the building which adjoins them to the north and use it for excess storage. In order for it to change ownership, their existing lot size would need to be increased which is represented on the site plan.

Once a planned development site plan is approved, the applicant will submit a subdivision to Planning Commission for approval.

As long as the required building setbacks are maintained and there is adequate fire protection throughout the site, Staff does not object to this variance and would recommend that the Board of Zoning Appeals approve the variance as submitted.

Board Member Beelaert made a motion for approval and Board Member Thompson seconded the motion.

Voting Results: 4 yes; 1 no. Motion carries.

3.) VARI-1990-2016 – 140 Hatfield Drive – Request for two buildings on 1 lot

Planner Logan Engle discussed the variance request submitted by Cherokee Crossing, LLC to allow for the construction of two principal structures on one lot at 140 Hatfield Drive. This site is located at the corner of West Andrew Johnson Highway and Hatfield Drive. The applicant intends to construct two structures on this lot (Lot #4 of the Cherokee Crossing Subdivision). One building will be constructed at this time. The other building will be built at a later time.

The zoning ordinance states that “only one principal lot and its accessory buildings may be erected hereafter on any lot” (Section 14-209) unless approval is given by the Board of Zoning Appeals.

Staff views the applicant’s desire to construct two principal structures on one lot as acceptable and recommends approval of this request.

Board Member Neal made a motion to approve and it was seconded by Mayor Chesney.

Mayor Chesney asked Josiah Glafenhein if it was all retail stores going into the spaces. Josiah said that all of the stores going in the initial building are retail spaces.

Voting Results: 5 yes; 0 no. Motion carries.

C. Interpretations:

1.) BZA-1994-2016 – 4850 S. Davy Crockett Pkwy. - Request for automobile auction

In Intermediate Business District (IB)

Planner Logan Engle discussed the request submitted by Mr. Greg Hurst (81 Auto Auction) regarding the allowance of an automobile auction in the Intermediate Business District (IB). The property at 4850 South Davy Crockett Parkway is located between South Davy Crockett Parkway Highway (Highway 25 E) and Benton Hale Road. Mr. Hurst inquired with the Planning staff regarding the establishment of this business at this location, which currently serves as the I-81 Flea Market on Saturdays and Sundays.

The applicant intends to utilize existing structures on this site to operate a dealer-only automobile auction on Monday evenings. Dealers would transport cars to this site on Mondays in preparation for the automobile auction on that night, and dealers would then transfer cars off the property following the auction. When inquiring about the storage of vehicles, staff has been told that these cars would appear on the property as early as Sunday and as late as Tuesday. The intent expressed by Mr. Hurst is that the auction would only be open one night each week.

As the zoning ordinance does not mention automobile auctions, staff consulted with other municipalities in the area in regard to how their zoning texts handle auto auctions and within which zones they may establish. By and large, other municipalities treat automobile auctions

similarly as new and used automobile dealers, and many of these allow both to establish in commercial zones or whatever zone allows new and used auto dealers (i.e. Lenoir City, Lebanon, Cookeville).

The zoning ordinance states that “when any question arises in regard to the permissibility of a specific use in any zone, the question shall be decided by the Board of Zoning Appeals on the basis of the narrative description of the nature and purpose of the zone which is included at the beginning of the regulations governing each zone” (Section 14-225). As such, staff is bringing this use to the Board of Zoning Appeals to make an interpretation for this use (auto auction) in this Intermediate Business District (IB).

In light of recent research conducted by staff, both in the field and through contact with other Planning Commissions, staff believes the establishment of an automobile auction in Intermediate Business District (IB) to be appropriate for this site. However, due to the fact that some Intermediate Business Districts (IB) might not be conducive for this use, the possibility of increased vehicle storage and increased traffic, staff recommends that should an ordinance change occur to echo the interpretation, it should be considered a use-on-review in the Intermediate Business District (IB).

Board Member Beelaert made a motion for approval of the automobile auction in the Intermediate Business District (IB) and Mayor Chesney seconded it.

Board Member Beelaert voiced a concern for tractor trailer traffic coming in and out of Benton Hale Road. Greg Hurst stated that there would not be any traffic trailers coming to the facility but that they were able to make accommodations if need be.

Commissioner Kennerly stated to staff that the automobile auction companies need to be addressed and added to the ordinance.

Voting Results: 5 yes; 0 no. Motion carries.

There being no further business, the meeting was adjourned.

Respectfully Submitted,



Robert Garrett

Secretary

RP/jc