

Morristown Board of Zoning Appeals

Minutes September 13, 2016

Members Present

Chairman Doug Beier

Vice-Chairman Jack Kennerly

Mayor Gary Chesney

Board Member Jim Beelaert

Board Member Bill Thompson

Board Member Wanda Neal

Secretary Robert Garrett

Others Present

Lori Matthews, Senior Planner

Logan Engle, Planner

Kat Morilak, Development Services

Ralph "Buddy" Fielder, Asst. City Administrator

Chairman Beier called the meeting to order.

I. Annual Meeting, Election of Officers: Chairman, Vice-Chairman, and Secretary

Mr. Fielder explained that he will begin this meeting the same as the Planning Commission meeting. He will open the floor for nominations for the Board of Zoning Appeals.

Mr. Fielder opened the floor for nominations for Chairman of the BZA. Board Member Thompson nominated Doug Beier. Mayor Chesney seconded the nomination. Mr. Fielder did a voice vote. Upon voice vote all ayes.

Mr. Fielder opened the floor for nominations for Vice-Chairman of the BZA. Board Member Thompson nominated Jack Kennerly. Board Member Beelaert seconded the nomination and stated that Jack Kennerly is to be voted in by acclamation. Mr. Fielder did a voice vote. Upon voice vote all ayes.

Mr. Fielder opened the floor for nominations for Secretary. Board Member Wanda Neal nominated Bob Garrett. Board Member Thompson seconded it. Mr. Fielder did a voice vote. Upon voice vote all ayes.

II. Chairman Beier called for approval of the August 9, 2016 minutes.

Mayor Chesney made a motion for approval of the August 9, 2016 minutes. Vice-Chairman Kennerly seconded the motion. Upon voice vote all ayes.

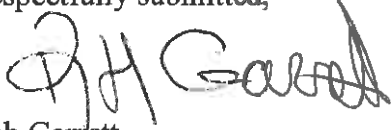
III. VARI-1972-2016- Front yard setback of 2.44 ft. at 335 Ladysmith Lane

Planner Logan Engle discussed the variance request submitted by Mr. Don Rogers in regard to an existing residential structure located at 335 Ladysmith Lane. The applicant was in the process of purchasing this home and contracted a surveyor. The surveyor found the property did encroach into the required front yard setback of 20 ft. by approximately 2.44 ft. Due to the fact that the structure may have been constructed outside of the regulations of the zoning ordinance; Mr. Rogers requested a setback variance of 2.44 ft. to ensure that the structure is in compliance with the current ordinance. The property is located within the Lochmere subdivision, Phase III and it zoned High Density Residential (R3). It is bounded on all sides by High Density Residential (R3) parcels. Granting this variance request would not allow for any additional deviations from the side and rear yard setback restrictions but the home is currently in regulation with those requirements. As a result of the mentioned situation, staff would reason that this is an extraordinary situation and it could result in a hardship for the property owner. Staff did not see any adverse effect on adjoining property owners with this proposed variance. The staff did receive a few calls once neighbors saw the signs on the property but they were all in regard to curiosity and none of them were complaints.

Chairman Beier called for a motion. Secretary Garrett made a motion to approve the front yard setback variance. Mayor Chesney seconded the motion. Vice-Chairman Kennerly advised that in the light of full disclosure that he is a neighbor of the applicant but it would not affect his ability to vote on this issue. Upon voice vote all ayes.

Meeting was adjourned.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Bob Garrett". The signature is written in a cursive, somewhat stylized font.

Bob Garrett

Secretary

RG/jc/km