

Morristown Board of Zoning Appeals

Minutes

January 10, 2017

Members Present

Board Member Jim Beelaert

Vice Chairman Jack Kennerly

Board Member Wanda Neal

Board Member Bill Thompson

Secretary Bob Garrett

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

Tim Oakes

Agnes Sexton

Clint Harrison

Phillip Carlyle

Members Absent

Chairman Doug Beier

I. Vice Chairman Kennerly called for the approval of the November 8th, 2016 minutes.

Commissioner Neal made a motion for approval of the November 8th, 2016 minutes; seconded by Commissioner Thompson. Upon voice votes, all Ayes.

II. Old Business: None

III. New Business:

A. Use-on-Review:

UORV-2010-2016: Oakes Salvage – Request to allow building material yards in IB

Planning Director Steve Neilson discussed a request that was received for Use Permitted on Review for property located at 171 Algonquin Drive. The applicant, Tim Oakes is proposing to expand the existing building material yard (Oakes Salvage) on the vacant property to the rear. The property is currently zoned IB (Intermediate Business).

Building material yards are allowed as a Use Permitted on Review in the IB District (Section 14-1003) provided it meets the following conditions:

- a.) The storage yard shall be screened from all residential uses and districts with a fence a minimum six (6) foot tall. The fencing may be wood, brick, or other material that is at least 75 percent opaque.
- b.) The property shall have access from a collector or arterial street.

The applicant is proposing to construct a solid ten (10) foot tall fence along the residential property to the east and along Algonquin Drive. Algonquin Drive is classified as a collector street. Staff finds that the applicant meets the conditions under Section 14-1003.

Kelly Lish came forward to speak to the subject. He wanted to address the long term goal of vision for that end of town, specifically to the aesthetic appeal. He said that he has complained several times about the amount of trash that is currently around Mr. Oakes' establishment. He said that he feels like it is the City's fault and not Mr. Oakes. He feels like the Codes Enforcement officers should enforce rules that pertain to excessive trash outside your property. Vice Chairman commented that we should allow Mr. Oakes to construct his fence and then the city can scrutinize afterwards. He also assured Mr. Lish that the city will take care of it.

Tim Oakes, the owner of Oakes Salvage stated that they plan to organize and address the problem as soon as they get this approved and construct the fence. He said he will clear out the back lot to appease his neighbor, Mr. Lish.

Mayor Chesney made a motion approve the Use Permitted on Review for Oakes Salvage and it was seconded by Board Member Thompson.

Voting Results: 6 yes; 0 no. Motion Carries.

UORV-201-2016: 1040 Buffalo Trail – Request to allow auto detailing shop in LI

Senior Planner Lori Matthews discussed the request received from Mr. Eddie Howard on behalf of property owner Mr. J.R. Tipton for his property located at 1040 Buffalo Trail. The property which is zoned Light Industrial (LI), is located at the intersection of Carriger Street and Buffalo Trail in north Morristown.

There are currently two buildings on this one acre tract which has vehicular access off of both Buffalo Trail and Carriger Streets. The primary structure which fronts Buffalo Trail has been used for various businesses in the past. These include an automotive towing business and a crafts store. A recent staff site visit revealed the accessory structure along the north side of the property to house an herbal vitamin retail business. The rear of the property which adjoins a residential district is being used for storage of automobiles for the towing business.

Zoning which surrounds the property is predominantly Light Industrial (LI) with Intermediate Business (IB) to the north of the site and residential zoning (R2) to the east.

As recently as this past year, there was in operation an automotive detail business at this location but it had not received any approvals from the Zoning Appeals Board. Since that time, another lessor of the property has engaged in the same type of land use but was not aware of the required approval process. He now seeks approval for an automotive detailing business so that it will be in compliance with the city codes.

As the intended use had been an active use on sight in the past, albeit not an approved use; staff had not received complaints of negative impacts generated from the former carwash/detailing use by any of the surrounding properties. Staff also sees this as a lower impact use than the use which is currently onsite with the towing business. The Zoning Ordinance states the changes in use with regard to parking standards must submit a site plan so staff would recommend approval of this use on review request pursuant to the applicant/property owner providing a sketch of the property showing vehicular movement throughout the site, the automobile storage, and parking for each use.

Board Member Beelaert made a motion to approve this use on review request and it was seconded by Board Member Thompson.

Voting Results: 6 yes; 0 no. Motion Carries.

B. Variances:

VARI-2016-2016: Parke Villas request for 2 buildings on 1 lot

Senior Planner Lori Matthews discussed a request that has been received by Mr. Phillip Carlyle for his property located along the west side of Central Church Road. His request is to vary from

Section 14-209 One Principal Building on One 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 site plan review process for a multi-family residential planned unit development to consist of 63 two-story townhouse style units on one 6 acre parcel. Access to the site will be a private driveway off of Central Church Road. No public street is to be constructed or maintained for this development.

Zoned (R2) Medium Density Residential, the proposed site and its zoning designation is compatible with surrounding properties as both sides of Central Church Road have been developed for residential use. Walden Place Subdivision, a mixed single and multi-family development sits to the south, Westside Mobile Home Park adjoins to the north, and single family residential subdivisions Echo Hills and Westview adjoin this site to the west and east respectively.

The whole of the development is to remain private with no public infrastructure to be constructed or maintained and all living quarters will be occupied as rental units exclusively. Therefore, staff would recommend approval of the variance as requested for construction of multiple buildings on one lot. If any of the townhomes were to be sold in the future, they would have to meet all applicable requirements with regard to local, state, and federal laws to include the Tennessee Horizontal Properties Act.

Mayor Chesney made a motion to approve the variance request and it was seconded by Board Member Beelaert.

Voting Results: 6 yes; 0 no.

C. Interpretations: None

The meeting was adjourned.

Respectfully submitted,

Bob Garrett 

Secretary

BG/jc