

Morristown Board of Zoning Appeals

Minutes

June 13, 2017

Members Present

Chairman Bill Thompson

Board Member Jim Beelaert

Vice Chairman Jack Kennerly

Board Member Wanda Neal

Secretary Bob Garrett

Mayor Gary Chesney

Others Present

Lori Matthews, Senior Planner

Steve Neilson, Planning Director

Josh Cole, Planner

Alex Moore

Melissa Wellman

Jane Susong

Pam Veldon

Patricia Lay

Wayman Skelton

Chad Armstrong

Paul Howard

Ritchie Broyles

Eddie Davis

Betty Davis

Members Absent

Jason Messer

Debbie Stamey

Chairman Bill Thompson 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. Approval of the May 9th, 2017 minutes.

Board Member Neal made a motion for approval of the May 9, 2017 minutes and it was seconded by Board Member Beelaert. Upon voice votes, all Ayes.

II. Old Business: None

III. New Business:

A. Use-on-Review:

UORV-2060-2017: Home occupation permit for beauty salon @ 326 Willow Greene Drive

Senior Planner Lori Matthews discussed the request that was received from Ms. Melissa Wellman for her residence located at 326 Willow Greene Drive, which is just west of Panther Creek Drive. Ms. Wellman was seeking approval from the Board of Zoning Appeals to operate a beauty salon from her residence. The business will entail servicing one patron at a time as she plans on having only one salon chair at this time. All adjoining properties are residentially zoned and all surrounding uses are single family residential.

Staff recommended approval of this Home Occupation as it met all necessary conditions and should not have any impact on any of the surrounding properties.

Vice Chairman Kennerly made a motion for approval of this home occupation request and it was seconded by Board Member Neal.

Melissa Wellman came forward and stated that she would answer any questions that anyone had. No one had any further questions.

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

UORV-2057-2017: Request to allow church in Intermediate Business District (IB)

Senior Planner Lori Matthews discussed the request received from Mr. Jason Messer who was acting on behalf of "The Avenue Church" which is currently located at 6111 West Andrew Johnson Highway in the Alpha Square retail center just west of Airport Boulevard. Mr. Messer asked that the church be granted approval to occupy the former "Fred's" store (6057 West Andrew Johnson Highway), which is also a portion of that same retail shopping center. The church will be moving in its entirety to the proposed location.

The whole of the property is just over 9 acres in size and zoned Intermediate Business (IB). The retail building itself is approximately 52,000 square feet in size and comprised of several suites. The Pet Emergency Clinic, a laundry mat, Dynamic Physical Therapy, Traders Treasures, Farm Bureau, and Republic Finance currently hold businesses there. The portion of the structure which is proposed to be occupied by the church is roughly 25,000 square feet. Projected seating for this use is expected to be 300 with services to be held on Sunday mornings and Wednesday evenings. Parking on site holds well over 200 vehicles and has additional parking available on a separate parcel which adjoins West Andrew Johnson Highway.

Alpha Square retail center has two access points along West Andrew Johnson Highway, one to the west having a median cut across West Andrew Johnson Highway with a dedicated left turn lane entering into the site from that highway. A small commercial subdivision borders this development to the north and west which includes a church, bank, a pharmacy. There are single family homes to the rear and east with a former contractor's office fronting West Andrew Johnson Highway.

Places of worship are allowed in almost every zoning district but only with prior approval from the Board of Zoning Appeals.

Staff did not see this use as negatively impacting any of the surrounding properties and they were not opposed to using this retail center for a place of religious worship.

Staff did recommend approval of this request.

Chairman Thompson made a motion for approval of this request to allow a church in IB and it was seconded by Board Member Neal.

Jason Messer came forward and stated that all parking and entrances and exits will continue to be the same if approved because they are already in that same shopping center. He doesn't foresee any parking issues in the future if the congregation grows because there is additional parking on an adjoining parcel.

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

UORV-2056-2017: Request for an animal shelter in a Heavy Industrial District (HI)

Senior Planner Lori Matthews discussed the request received from Mr. Ritchie Broyles who was acting on behalf of the Morristown Hamblen Animal Shelter. Mr. Broyles asked that they be allowed to operate an animal shelter at 5251 East Morris Boulevard which was the former Textiles Workers Union Hall just west of the East Industrial Park.

The property which is 2.36 acres in size is zoned Heavy Industrial (HI) and currently has a 5,000 square foot building with offices. The site fronts East Morris Boulevard and is bounded by the

Norfolk Southern Railway and Andrew Johnson Highway along the rear property line. Lots adjoining on the east and west sides are vacant. All adjoining properties are industrially zoned.

Heavy Industrial districts (HI) currently allow animal hospitals, kennels, and dog grooming facilities by right, all uses commonly found with an animal shelter. As an animal shelter is a non-typical and quite specific type of land use, it is one which is comprised of those types of land uses already permitted within an HI district as described above.

Staff recommended approval of this use on review as the property is bound by industrial areas which would not be impacted by this type of use.

Mayor Chesney made a motion to approve to request and it was seconded by Vice Chairman Kennerly.

Eddie Davis came forward and stated that this was the best lot that the animal shelter had found thus far. They will have to expand the building in the future because the current lot does not meet their needs. They are already in discussion with an architect. The animal shelter also plans to hopefully acquire the wooded lot behind them in the future in order to make a walking trail for the animals.

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

B. Variances:

VARI -2064-2017: Request for a variance to parking requirements

Planning Director Steve Neilson discussed the variance request for parking requirements to Section 14-216.3.f for a proposed manufacturing facility to be located at the intersection of Progress Parkway and Interstate View in the ETPC. The property is currently zoned Heavy Industrial (HI).

Section 14-216.3.f states:

Industrial Uses: One (1) parking space per five hundred (500) square feet of total floor area.

The petitioner is proposing to construct a 49,400 square foot manufacturing facility. Under the Parking Regulations, a total of 99 spaces are required. The proposed site plan showed a total of 35 parking spaces. The petitioner stated that due to the hi-tech nature of their business there will be no more than 25 people working at the facility at any one time.

In order to grant a variance, the Board of Zoning Appeals must find that there is some unique feature or characteristic of the property such as exceptional narrowness, unique shape of a specific piece of property, exceptional topographic conditions or other extraordinary or exceptional situation of a piece of property, that the strict application of the provisions of this

ordinance would result in practical difficulties to or undue hardship upon the owner of such property.

Staff found that due to the nature of this type of industry, this project was unique and they did recommend approval.

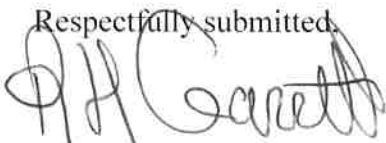
Board Member Beelaert made a motion for approval of this variance request and it was seconded by Vice Chairman Kennerly.

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

C. Interpretations: None

The meeting was adjourned.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Bob Garrett". The signature is written in a cursive style with a large initial "B" and "G".

Bob Garrett

Secretary

BG/jc