

**Morristown Board of Zoning Appeals**

**Minutes**

**January 9, 2018**

**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

Josh Cole, Planner

Steve Neilson, Planning Director

Steve Harwood

John and Jo Ann Ivy

Joseph Brown

Michael Price

Kimberly and Randy Rosenbalm

Dennis Patel

Sam Patel

Eric Heidel

Chairman Bill Thompson called the meeting to order and invited anyone who wished to join the Commission in an Invocation and the Pledge to do so.

**Members Absent**

**I. Chairman Bill Thompson called for the approval of the December 12<sup>th</sup>, 2017 minutes.**

Board Member McGuffin made a motion for approval of the December 14<sup>th</sup>, 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-2142-2017: Request to allow PW facility in IB @ 619 Howell Road**

Planner Josh Cole discussed a request that was received from the City of Morristown for a use permitted on review to allow a governmental building, the proposed Public Works facility, to be constructed at 619 Howell Road. The property is currently zoned Intermediate Business (IB). The proposed site is a 55.44 acre parcel that will contain the proposed Public Works facility along with the future community center and the proposed Durham Landing road. The site has the Merchant's Greene Development to the north, a residential use to the west, and the future Dr. Melling's office to the east.

The Public Works facility is a governmental building and is allowed in the Intermediate Business district as a use permitted on review. Staff recommended approval of this proposed request.

Mayor Chesney made a motion for approval of this use on review request and it was seconded by Board Member McGuffin.

Voting Results: 7 yes; 0 no. Motion carries.

**UORV-2146-2017: Request to allow a church in IB @ 2808 West A.J. Highway**

Planner Josh Cole discussed a request that was received from Mr. Randy Rosenbalm, acting on behalf of The Church at Morristown, to allow a church at 2808 West A.J. Highway. This property is zoned Intermediate Business (IB). The proposed location is a portion of a 54,584 square foot shopping center that currently contains Goodwill, the Dollar General Store, and ETHRA along with a stand-alone Subway restaurant. Additionally, the former K-Mart building is across West Economy Road, Lowe's Home Improvement and Taco John's sit to the east, and a car wash, offices, and Buffalo Wild Wings is across West Andrew Johnson Highway.

The requested portion of the center contains 5,817 square feet. There are a total of 271 parking spaces for the parcel, which is more than adequate to handle the current tenant requirements of 228 spaces and a proposed maximum church congregation of 120, which requires 30 parking spaces. Previous discussions with Mr. Rosenbalm indicated that the church currently has around 20 members, thus this site provides the church with plenty of room to handle its current congregation along with the ability to grow in the future.

Places of worship are allowed in the Intermediate Business district as a use permitted on review. Staff recommended approval of this proposed request.

Board Member Beelaert made a motion for approval of this request and it was seconded by Board Member Neal.

Voting Results: 7 yes; 0 no. Motion carries.

### **UORV-2147-2017: Request for Auto Repair in IB @ 112 East 5<sup>th</sup> North Street**

Senior Planner Lori Matthews discussed a use on review request that was submitted by Mr. Joseph Brown, on behalf of the property owner, Mr. Eric Heidel for his property located at 112 East 5<sup>th</sup> North Street. The property is currently zoned Intermediate Business (IB), which requires automobile repair to be approved by the Board of Zoning Appeals.

The property is small and contains a three bay building with access from East 5<sup>th</sup> North Street. Retail surrounds the site along the north, west, and south and it is all commercially zoned. Vacant residentially zoned land adjoins the site to the east with properties to the northeast and southeast being zoned the same.

This location has, in the past, been utilized for an auto repair business but the business was not in compliance with much of City code and had operated for a number of years without a City business license. As seen from the photo below, vehicles were stored in excess both on this site and the vacant parcel to the east.

While this is still an area of concern to Staff, the submitted site plan shows a total of 7 parking spaces which meet current parking regulations for this type of use and provides the necessary 24 foot ingress/egress from the site. The applicants' have cleaned up much of the debris left by the former tenant. The existing building seems clearly to have been built for some form of repair shop use. The property itself is so small, that even were the building razed, no other structure could be built to meet the IB building setback requirements.

Staff did not object to the business use of automotive repair being continued on this property provided the applicant maintains the property as shown on the site plan. Should the applicant fail to meet the standards shown on the site plan, any approval granted by the Board of Zoning Appeals would be null and void, and it would also nullify the applicants' City business license.

Board Member Beelaert made a motion for approval of this request and it was seconded by Board Member McGuffin.

Eric Heidel came forward and stated that he was the owner of the property. He also stated that he had the new tenant sign a lease that says if the tenant receives any zoning violations; it will automatically terminate the lease.

Voting Results: 7 yes; 0 no. Motion carries.

## **Multiple Variances @ 2961 Millers Point Drive**

Senior Planner Lori Matthews discussed a site plan that was received for a proposed hotel to be located at 2961 Millers Point Drive in the Millers Landing subdivision which is located at the intersection of East Morris Boulevard and Pope Road. The site is zoned Intermediate Business (IB). The applicants are Mr. Dennis Patel and Mr. Sandip Patel with the design professional being Mr. William Robinson, P.E.

Millers Landing subdivision was created in 1999 with the most recent property division recorded in 2014. This area is currently comprised of 9 parcels which are all commercially zoned IB. The area includes a Holiday Inn Express at the far west end and a TVA Credit Union along the east end by Pope Road with both medical and retail uses interspersed between. Entrance to the subject site may be made from either East Morris Boulevard onto Millers Landing Boulevard or off of Pope Road directly onto Millers Point Drive.

Proposed for this 2 acre site is a three-story 80 room hotel to be constructed east of the existing Holiday Inn Express and west of the Allergy, Asthma, and Sinus Center. While the lot has roughly 450 feet of frontage along Millers Point, it is only on average 200 feet wide. Topography to the rear of the site suffers not only from grades but also from easements to include a 30 foot sanitary sewer easement and 20 foot greenway easement. Easements exist to prohibit any construction on top of utilities; therefore, there exists a 50 foot swath of the site that cannot be used for building construction.

The narrowness of the site combined with the existing prohibitive easements and grades along the north side has led the applicant to seek some form from our Zoning Regulations to include: a front yard setback variance of 12 feet, a variance to our required parking stall size, a variance to exceed our standard ingress/egress grades, and several landscape variances.

While staff agreed that the property does have hardships enough to warrant relief from most of the above listed, there are concerns over the west entrance causing vehicles to drag; specifically to emergency vehicles having to navigate in and out of the site.

Staff recommended at a minimum that the driveway grade request be tabled until the engineer has time to redesign that west entrance.

Mayor Chesney made a motion to follow Staff's recommendation to table the items until further notice and it was seconded by Board Member Kennerly.

Lori Matthews stated that she needed to clarify that the request was to table the driveway grade request and she did not comment on the rest of the items.

Mayor Chesney stated that he would like for the fire department to sign off on the driveway grade request before he would be willing to sign off on it.

Will Robinson came forward and stated that he would like to discuss the proposal. He said that on the surface, their list seems extensive but that this was a very hard property to deal with. He stated that he felt like all of the requests for this property were warranted and he would appreciate the consideration from the BZA.

Chairman Thompson asked Mr. Robinson what his concerns were about having the requests tabled. Mr. Robinson replied that it was the time and money involved with putting it off until a later date.

Chairman Thompson made it clear that the motion is for the variance requests to be tabled until a later date.

Voting Results: 7 yes; 0 no. Motion carries.

**UPDATES:**

Planner Josh Cole came forward and stated that Mr. Eddie Davis had formally withdrawn his request for office/retail use in the HI district at 4885 Enka Highway. He also stated that Mr. Davis was looking for another location for this use.

The meeting was adjourned.

Respectfully submitted,



Bob Garrett

Secretary

BG/jc