

Morristown Board of Zoning Appeals Minutes

April 11th, 2023

Members Present

Chairman Ventrus Norfolk
Secretary Robert (Bob) Garrett
Mayor Gary Chesney
Vice-Chairman Bill Thompson
Board Member Jack Kennerly
Board Member Sabrina Seamon
Board Member Frank McGuffin

Staff Present

Steve Neilson, Development Director
Lori Matthews, Senior Planner
Josh Cole, Senior Planner
Hope Ross, Administrative Assistant

Members Absent

Others Present

Jason Patterson
Wayne Sundby
Melinda Sumner
Linda Noe
Shannon Greene
Gorge Guzman
Lee Shephard
Mike Jinks
Rebecca Templeton
Glenna Howington

Chairman Ventrus Norfolk called the meeting to order.

II. Approval of March 14th, 2023, minutes:

Mayor Gary Chesney made a motion for approval of the March 14th, 2023, minutes seconded by Board Member Frank McGuffin

Upon voice votes, all Ayes. Motion Carries.

II. Old Business:

None

III. New Business:

VARI-2786: Variance Request for barn height at 1810 Wagon Wheel

Senior Planner Lori Matthews brought forth a request from Mrs. Linda Noe, acting as agent for property owner Jason Leffew, has requested a height variance be granted to a building being renovated off Wagon Wheel Drive. A permanent address has not yet been assigned to the subject building; however, it shares the same property with a barn which is addressed as 1810 Wagon Wheel Drive.

The property is currently zoned R-2 (Medium Density Residential) which allows residential developments. As stated, two buildings are located on the property: a detached garage, and a barn which appears to have been built partially inside the right-of-way of Wagon Wheel Drive, as shown on a recorded subdivision plat.

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Mr. Leffew presented the Building Department with a building permit application in December 2022 which shows he wished to raise the roof and replace tin on the roof of the detached garage building. A standalone garage is not allowed in a residential district as permitted use and because there is no principal structure it would not be allowed as an accessory use/structure. Therefore, the permit was denied. The building is grandfathered and is considered to be a legal non-conforming use/structure and is allowed to continue; however, it cannot be expanded. Mr. Leffew went ahead and began to expand the building without a permit. A Stop Work order was issued; however, Mr. Leffew ignored the order and completed the building. Two additional citations were issued which were also ignored.

Per State and Local code, non-conforming structures may not be expanded in either their building footprint or use. A height variance would be considered an expansion of a non-conforming structure. The applicant did not provide any rationale as to why the Board of Zoning Appeals should grant the variance.

Mr. Leffew's property is approximately 1.34 acres in area, 300' deep, and 180" wide and there are no exceptional topographic conditions or other extraordinary or exceptional situations on the property.

Staff would recommend the Board of Zoning Appeals deny the variance request to expand the structure as the rationale for approving such a request does not meet the criteria set forth in the City Zoning Ordinance.

Board Member Sabrina Seamon made a motion to deny the variance seconded by Board Member Jack Kennerly

Linda Noe spoke in favor of the variance to raise the height of the detached structure.

Voting Results: 7 yes, 0 no. Motion passed.

No further business, meeting is adjourned.

Respectfully submitted,



Bob Garrett, Secretary

BG/hr