

**MORRISTOWN BOARD OF ZONING APPEALS**  
**Agenda**  
**July 12th, 2016**



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**Call to Order**

I. Approval of the June 14th, 2016 minutes.

II. *Old Business:*

III. *New Business:*

SPECIAL EXCEPTION: 4055 E. Morris Boulevard  
Permitted Use for an Eatery within an Heavy Industrial District

IV. *Departmental Reports:*

**Adjournment**

*The next meeting of the Morristown Board of Zoning Appeals is scheduled for August 9th, 2016 at 4:00 pm.  
The deadline to submit applications for this meeting is July 18th, 2016.*

Morristown Board of Zoning Appeals  
Minutes  
June 14, 2016

Members Present

Chairman Doug Beier  
Vice-Chairman Jack Kennerly  
Secretary Bob Garrett  
Mayor Gary Chesney  
Board Member Jim Beelaert  
Board Member Bill Thompson  
Board Member Wanda Neal

Members Absent

Others Present

Lori Matthews, Senior Planner  
Kat Morilak, Development Services  
Jim Whitbeck, Engineering  
Clint Harrison  
Jordan Rios  
Charles Mays  
Debra Wells

Logan Engle, Planner  
Buddy Fielder, Asst. City Admr.  
Eual Noah, Fire Marshal  
Michele Parvin, Tax Office  
Paul LeBel  
James Seal

Chairman Beier called the meeting to order.

I. Approval of the February 9, 2016 minutes.

Board Member Thompson made a motion for approval as presented of the February 9, 2016 minutes; seconded by Board Member Beelaert. Upon voice vote: all ayes.

II. UORV 1686-2016: 911 S. Cumberland Street to allow a body shop in the Intermediate Business District (IB)

Ms. Logan Engle explained this request was submitted by Jordan Rios of M & J Body Shop. She explained that they intend to establish an auto repair body shop business. The parcel contains a commercial structure, which was previously a new auto sales lot. The front portion of the business is currently being operated as a used car lot. The rear garage is not being used for auto repair at this time.

The structure appears to have been built for automobile related use. The site is a little over two-thirds of an acre and is zoned Intermediate Business (IB). Ms. Engle explained that the IB zoning classification that it is intended to provide for more intensive commercial activities. In addition, Section 14-1003 of the Zoning Ordinance states that IB allows for automobile repair shops or body shops as a use on review, not permitted by right. At this time, staff has received no complaints or questions regarding the use on review for this property from adjoining property owners in response to the posted sign or letters to adjoining property owners. Staff views the applicant's use of land for an auto repair and body shop to be in accordance with the Zoning Ordinance's provisions, because it is already in auto related use. Staff would recommend approval of this request.

Board Member Bill Thompson made a motion to approve the request, and Mayor Gary Chesney seconded. Voting results: 7 yes, 0 no. Motion passes.

III. UORV 1691-2016: 6672 Archer Circle to allow a duplex in the Intermediate Business District (IB)

Ms. Lori Matthews explained that a special exception request has been received by the Planning Department for property located at 6678 and 6672 Archer Circle. The agent acting on behalf of the property owner is Mr. Paul LeBel. The request is for the use of a residential duplex located in IB or Intermediate Business zone. The City of Morristown annexed this property and the surrounding parcels along West Andrew Johnson in 1994 to bring them all under a holding zoning district designation of single family residential. The annexation ordinance does not reflect housing being located on this property, and most of the properties included in the annexation fronted West Andrew Johnson, so the most logical zoning designation at that time would have been a commercial zone or Intermediate Business.

Ms. Matthews stated that she could not find site plans or building records for the property or for the duplex, which joins it to the north, to determine the exact date of construction. State property records indicate the valuation going up significantly on the property in 1998, which might point to the property being developed at that time.

Structures will be considered legal non-conforming, which if destroyed, would require approval by the BZA to be rebuilt. The owner simply wishes to go through that process now in order to have approval of duplex use for that specific property. As much of this property has been used at least 10 years as a duplex, staff would ask a special exception for use on review permit for residential single family or duplex use be granted to allow the use to continue by right. Ms. Matthews clarified that they did send out adjoining property letters to all of the surrounding property owners, of whom Mr. Cantwell called to ask what exactly was being proposed. His remarks reflected that he had lived there for about 30 years, and that there has been in past years some negative vibes about the types of families living the duplexes. Mr. Cantwell didn't really indicate if he was in favor or against the request. Staff recommends BZA grant the special exception.

Mayor Gary Chesney made a motion to approve the request, Vice-Chairman Jack Kennerly seconded that motion.

Voting results: 7 yes, 0 no. Motion passes.

There being no other business, the meeting was adjourned.

Respectfully submitted,

Bob Garrett  
Secretary

RG/eh/km



Department of Community Development  
 100 West 1<sup>st</sup> North Street  
 Morristown, TN 37814  
 (423)585-4620

TO: Morristown Board of Zoning Appeals  
 FROM: Lori Matthews, Senior Planner  
 DATE: June 14th, 2016  
 SUBJECT: Special Exception Request  
 4055 E. Morris Boulevard

**REQUEST -**

A special exception request has been received by the Planning Department for property located at 4055 E. Morris Boulevard (Hamblen County Tax ID # 032 026 01603) by Mr. Michael Weber who is acting as agent for property owner Ralph Odum. The request is to utilize the property, which is zoned HI (Heavy Industrial) for an outdoor eatery. HI zoning designations allow restaurant type land uses only with approval from the Board of Zoning Appeals.

The subject property is located on the northwest corner of E. Morris Boulevard and Jaybird Road, across the railway track and has historically been used as an automobile sales lot. The lot, 1 acre in size, contains one structure which had been used as an office (1,350 sq. ft.) with a rear overhang facing the railway. Access to the site can be made from either Jaybird or E. Morris Boulevard. All properties which surround this site are zoned Heavy Industrial to include a landscaping and sporting goods retailer to the east, a ladder manufacturer across the train tracks to the north, Morristown Towing to the west and the Co-op to the south across E. Morris Boulevard.

A temporary use permit was obtained by Mr. Weber to utilize the site for 90 days for his mobile bar-b-q business in June of this year. Mr. Weber is requesting that the existing building be converted to house commercial food preparation and all seating for those wishing to eat will be provided outside. No interior seating to be provided. The lot currently provides only a gravel-mixture for parking.





Staff views this commercial intersection as being a prime location for an eatery to serve those citizens along the east side of Morristown and would hope that approval of a commercial business of this type would spur rezoning requests from industrial to commercial within that area. The site already has sufficient ingress/egress so vehicular impacts along the site should be insignificant.

If the applicant's request is approved, this will change the land use for this property which requires full compliance with the City's Zoning Ordinance and City Building Code. While the applicant did submit to Staff a site plan to be used to show his intent for his submittal, a more comprehensive plan will be needed to ensure compliance with regard to parking, landscaping, lighting, etc.

Staff would recommend a special exception be granted to allow the use of an eatery at this location.

**BOARD OF ZONING APPEALS OPTIONS -**

- 1. Grant special exception approval for restaurant use;
- 2. Grant special exception approval for restaurant use with conditions;
- 3. Deny special exception approval.
- 4. Table request.

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*Special Exceptions*

*To hear and decide, in accordance with the provisions of this ordinance, requests for special exceptions, for interpretation of the Zoning Map, and for decisions on other special questions upon which the BZA is authorized by this ordinance to pass. Any special exception permit shall be subject to such conditions as the BZA may require to preserve and promote the character of the district in which the use is located and otherwise promote the purpose of this ordinance.*



