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BOARD OF ZONING APPEALS CITY OF JOHNSON CITY, TENNESSEE

Minutes of the Meeting of
December, 2013

The Board of Zoning Appeals held its meeting on December 10th at 9:00 a.m. in the City Commission Chambers of the Municipal and Safety Building.

Members Present

Jeff Benedict, Chairman
Tim O'Neill
Steve Meroney
Jamie Povlich

Staff Present

Steve Neilson, Development Coordinator
Jessica Harmon, Planner
Jim Epps, Staff Attorney

The meeting was called to order at 9:00 a.m.

Minutes

The Minutes of the November 12th meeting were considered for approval.

MOTION: Meroney To approve the minutes of the November 12th conditioned upon a correction.

SECOND: Benedict

VOTE: Approved 3-0

Case Number 775-6

Mr. Neilson stated that this was a request for special exception approval to allow the subdivision of a lot with 40 off-premise parking spaces at 2412 North Roan Street. He stated that the petitioner recently removed a wing of the motel and the petitioner would like to create an out parcel in the area where the wing once stood. However, subdividing the property would leave the existing motel site 40 parking space short of the minimum parking requirements. The proposed out parcel has approximately existing 100 parking spaces and when redeveloped could provide up to 150 spaces which would be more than adequate to accommodate development on this parcel. The petitioners have provided a plat identifying the location of the 40 spaces. Mr. Neilson stated the request met the conditions for special exception approval and recommended approval.

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MOTION: Meroney To approve the special exception request.

SECOND: O'Neill

VOTE: Approved 3-0.

Case Number 776-1

Mr. Neilson indicated that this was a request for a variance to the rear yard setback off from 30 feet to 22 feet for property located at 5 Garden Way. The property is zoned R-2, and the petitioners are Courtney and Andrea Hodshon. He stated that the petitioners indicates that the home was original a barn built in 1905 and has limited storage space. The petitioners also stated that they own the two lots to the rear which would be the most impacted. However, due to subdivision restrictions, they were unable to plat the parcels together into one lot.

Mr. Neilson stated that the existing home currently encroaches into the rear setback and that proposed addition would not encroach any further into the setback. He indicated that this was unique because the petitioner owned the property that would be most impacted and the encroachment would not be greater than what currently exist. He then recommended approval of the request.

Mr. Hodshon spoke in favor of the request.

Mr. O'Neill stated that because this was only a minor encroachment which would have no impact on the surrounding property, he moved to approve the request.

MOTION: O'Neill To approve the variance request.

SECOND: Meroney

VOTE: Approved 3-0.

Case Number 776-2

Mr. Neilson stated that is request a variance to the allow visitor's parking between the building and the street. In November 2012, the property was rezoned from I-2, Heavy Industrial District to R-6, High Density Residential District. At the time, the petitioner had received Concept Plan approval to construct a 176-unit student housing project utilizing a portion of the former Mullican Flooring building as a parking structure. However, during a more thorough site evaluation, the petitioner discovered a sanitary sewer line, underground springs, and a VA monitoring well on

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the property. This required the petitioner to reorient the site plan. The petitioner moved the buildings closer to the street and decided against using the existing building for a parking structure. Due to the reorientation, visitor's parking was moved in front of the building. In order to reduce the visual impact the parking, the petitioner is proposing to construct a landscaped berm to help hide the view of the cars. The petitioner stated that they felt that this was in character with the area because the ETSU baseball stadium was directly across the street and had a large parking area in front of the stadium.

Mr. Neilson indicated that due to recently discovered sewer line and other environmental conditions, this was a unique situation. He has stated that the revised Concept Plan required approval by the Planning Commission and City Commission. He then recommended approval of the request conditioned upon approval by the Planning Commission and City Commission.

Mr. Dan Norman spoke in favor of the request. He stated that due to the recent discovery of the springs and the sewer line the site had to be resigned. He stated that the proposed landscape berm would be a minimum of six tall and would shield the visitors parking from the street.

Mr. Donald Newgent, an adjoining property owner had questions about the buffer and about access to the site. He was informed that the Board was only reviewing parking and that if he had concerns he could speak at the Planning Commission meeting which would be reviewing the entire Concept Plan

Mr. Meroney stated that he felt that the proposed berm would hide the cars from the street and the parking would have minimal impact on the esthetics of the area. He then moved to approve the variance request conditioned upon the Concept Plan being approved.

MOTION: Meroney To approve the variance request conditioned upon the approval of the Concept Plan by the Planning Commission and City Commission.

SECOND: O'Neill

VOTE: 3-0

Case Number 750-3

Chairman Benedict stated that the Board had received a request from the City Commission to reconsider and administrative review originally requested by Mountain South Signs. He then moved to the Board reconsider the request.

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MOTION: Benedict To reconsider the Administrative Review

SECOND: Meroney

VOTE: 3-0

Mr. Neilson stated that this was a request by the City Commission to reconsider an administrative review requested by Mountain South Signs. He stated that in September 2011, the Mountain South Signs requested an administrative review of staff's denial of a building permit to construct a billboard at 4820 North Roan Street. At that time, the Board denied his appeal, stating the 12 month grandfathering period had passed and that there were no grounds to overturn staff's decision.

Mr. Neilson then reviewed the time line beginning when the sign was removed by Lamar Advertising in October 2009, the issuance of a building permit in April 2010, to the date when Mountain South Signs reapplied for a building permit in May 2011. He stated that the sign had been removed for approximately 18 months and it was no longer grandfathered.

Mr. Richard Drummond, representing Mountain South Sign spoke in favor of the request. He stated that the time line was correct, but no one told him that he only had 12 months to put up the sign. Also, he was waiting for TDOT to mark where the new property line was located.

Mr. Neilson pointed out that the building permit states that work must begin within six months. Also, the proposed sign location was appropriately 35 feet from the new right-of-way and in no way was impacted by the road project. The Engineering Division had a copy of the right-of-way plans and could have easily provided that information, if requested.

Mr. Meroney stated that he did not know how he could help Mr. Drummond. The 12 month grandfathered period had expired and there was no government action which impeded from erecting the sign.

MOTION: Meroney To uphold their original decision and not overturn staff's determination.

SECOND: O'Neill

VOTE: Approved 3-0.

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There being no further business, the meeting adjourned at 9:48 a.m.

APPROVED:

Dr. Mike Marchioni, Chairman
Board of Zoning Appeals

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