



## **Development Services Department**

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### **BOARD OF ZONING APPEALS CITY OF JOHNSON CITY, TENNESSEE**

Minutes of the Meeting of  
June 3, 2014

The Board of Zoning Appeals held its meeting on June 3<sup>rd</sup> at 6:00 p.m. in the City Commission Chambers of the Municipal and Safety Building.

#### **Members Present**

Dr. Mike Marchioni, Chairman  
Robert Thomas, Vice Chairman  
Jenny Lockmiller  
Jamie Povlich

#### **Staff Present**

Steve Neilson, Development Coordinator  
William Righter

The meeting was called to order at 6:00 p.m.

#### **Minutes**

The Minutes of the April 1<sup>st</sup> meeting were considered for approval.

**MOTION: Povlich**                      **To approve the minutes of the April 1<sup>st</sup> with an amendment to include Robert Thomas being in attendance.**

**SECOND: Marchioni**

**VOTE: Approved 4 - 0**

#### **Case Number 783-1**

Mr. Righter indicated that Mr. Courtney and Ms. Andrea Hodshon were requesting special exception approval at 5 Garden Way to construct an 18'7" accessory structure which exceeds the maximum height requirement of 15'. The property is zoned R-2.

He stated that according to Article 4.13.4, structures greater than eight hundred fifty square feet and/or fifteen feet in height could be approved by Special Exception provided they meet certain conditions. Mr. Righter then reviewed the criteria. He stated that the structure was approximately 17.3 percent of the total floor area of the principle dwelling. The proposed accessory building would be constructed of similar materials. The proposed accessory

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building met the setback of the principal building and the building was not as tall as the principle building. Mr. Righter then stated that the petitioner met the conditions for Special Exception approval and recommended approval.

Mr. Tom Mozen stated he was not opposed to the request; however, he expressed a concern that the proposed structure was being constructed too close to the street. He then stated that he reached an agreement with the petitioner to plant some additional landscaping to soften the impact.

Mr. Hodshon, the petitioner spoke in favor of the request. He stated that he would plant some additional landscaping in front to the structure.

**MOTION: Lockmiller To approve the variance request.**

**SECOND: Povlich**

**VOTE: Approved 3-0**

### Case Number 783-2

Mr. Neilson stated that this was a request for variances to the front yard setback for existing and proposed single-family dwellings along Princeton Garden.

He indicated that this project was originally approved by the Planning Commission in 2007 as a private subdivision. However, the former developer didn't follow the approved plans which created a number of problems. The streets were not built according to the plans, making the homes that were under construction nonconforming and making some lots very narrow.

The petitioner who took over the project are requesting a variance at 388 Princeton Garden, to reduce front yard setback from 10 feet to 1' 3", a variance at 358 Princeton Garden, to reduce front yard setback from 10 feet to 6' 4", a variance at 310 Princeton Garden to reduce the front yard setback from 10 feet to 3' 1" a variance at 394 Princeton Gardens to the front yard setback from 10 feet to 1'. In addition, the petitioners were requesting a front yard variance from 10 feet to 3 feet on the remaining undeveloped lots.

Mr. Neilson stated that due to a number of decisions made by the previous developer, this development has a number of special circumstances or hardships which has created practical difficulties on the current property owners, and he recommended approval of these variance request.

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Mr. Greg Cox, the petitioner spoke in favor of the request. He stated that he would like to bring the existing home into conformance and to allow the proposed homes closer to the street so that they line up with the existing homes.

**MOTION: Thomas To approve the variance request as presented by staff.**

**SECOND: Povlich**

**VOTE: Approved 3-0**

### **Case Number 783-3**

Mr. Neilson stated that this was a request for a variance to the front yard setback along West Walnut Street from 25 feet to 12 feet, eight inches at 901 West Walnut Street in order to construct a new 4,200 square foot facility. The property is zoned B-4, Planned Arterial Business.

Mr. Neilson indicated that there are no side yard setbacks in this district; however, all sides abutting a public right-of-way are required to meet the minimum front yard setback. The petitioner stated that because the lot is small, meeting the front yard setbacks on three sides was difficult. The proposed site plan included a smaller canopy which will meet these setbacks. Also, by moving the principle building back, they will be able to remove two curb-cuts which will improve traffic circulation and the overall safety of vehicles entering and exiting the site. In an attempt to blend in with the University's architecture, the petitioner has agreed to match the brick used on a nearby student dormitory. He stated that a letter of support from the University was included in the packet.

Mr. Ryan Broyles, the petitioner spoke in favor of the request.

**MOTION: Lockmiller To approve the variance request for the front yard setback at 901 West Walnut Street.**

**SECOND: Thomas**

**VOTE: Approved 3-0**

There being no further business, the meeting adjourned at 9:22 a.m.

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### **APPROVED:**

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Dr. Mike Marchioni, Chairman  
Board of Zoning Appeals

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