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BOARD OF ZONING APPEALS CITY OF JOHNSON CITY, TENNESSEE

Minutes of the Meeting of
May 5, 2015

The Board of Zoning Appeals held its meeting on May 5th at 6:00 p.m. in the City Commission Chambers of the Municipal and Safety Building.

Members Present

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

Staff Present

Steve Neilson, Development Coordinator
Cody Moneymaker

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

Minutes

The Minutes of the February 3rd meeting were considered for approval.

MOTION: Marchioni To approve the minutes of the March 3rd.

VOTE: Approved 3 - 0

Case Number 794-1

Mr. Neilson stated that this was a variance request to the side and rear setbacks from 7.5 feet to 2 feet to a construct a 200 square foot accessory structure. The property is located at 38 Florida Avenue and is zoned R-3, Medium Density Residential District. The petitioner is Ms. Mary Callaway

Because the lot is small and slopes sharply there are special circumstances or conditions which creates a hardship for the petitioner. Mr. Neilson stated that the variance was in character with the surrounding properties. He then recommended approval of this request.

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a comprehensive approach to guide and shape quality development in our region."*



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MOTION: Marchioni To approve the variance request.

VOTE: Approved 4 to 0

Case Number 794-2

Mr. Neilson stated that this was a variance request to the front yard setback from 20 feet to 14 feet, to the rear yard from 30 feet to 20 feet, and a variance for a front facing garage from 25 feet to 20 feet in order to construct an addition to the home at 107 St. Mary Street. The property is located in the R-3, Medium Density Residential District. The petitioner is Mr. Chris Meadows.

Mr. Neilson stated that he received an email from adjoining property owner supporting the request. He stated that because the lot was flat and met the minimum lot requirements of the district. Other than being a corner lot, there are no special circumstances or undue hardships that are unique to the property. He then recommended denial of this request.

Mr. Meadows, the petitioner spoke in favor of the request.

After some discussion, the Board decided to vote on each variance request separately.

MOTION: Marchioni To approve the front yard variance from 20 feet to 14 feet.

VOTE: Approved 3 to 2

MOTION: Marchioni To approve the rear yard variance from 30 feet to 20 feet.

VOTE: Approved 4 to 0

MOTION: Marchioni To maintain the 25 foot setback for a front facing garage.

VOTE: Approved 4 to 0

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Case Number 794-3

Mr. Moneymaker stated that this was a Special Exception request to allow a pet daycare. The property is located at 2890 Boones Creek Road and is zoned B-4, Planned Arterial Business District. The petitioner is Ms. Robin Bennett.

Mr. Moneymaker stated that the proposed facility is not located within 200 feet of a single-family use or residential district, the petitioner was proposing to fence in an area to the rear of the property and they indicated that they would not be keeping any animals outdoors between the hours of 8:00 a.m. to 10:00 p.m. He stated that the petitioner met the conditions for Special Exception under Article 6.17.3.3 and recommended approval.

The petitioner was not available for questions.

Mr. Mitch Cox, a nearby property owner spoke in opposition of the request.

After some discussion and several unanswered questions, Dr. Marchioni moved to defer the item a month to allow the petitioner to come to the meeting and address questions.

MOTION: Marchioni To defer the variance request.

VOTE: Approved 4 to 0

Case Number 794-4

Mr. Neilson stated that this was a variance request to the required number of parking space from 53 to 49 spaces in order to install a double drive thru. The property is located at 2101 North Roan St. and is zoned B-4, Planned Arterial Business District. The petitioner is the McDonald Corporation. He stated that the petitioner indicates that the business has changes to where 70% of the business is drive-thru and only 30% is sit-down, therefore, fewer spaces are needed. In addition, the restaurant has a lease agreement for 10 parking spaces from the adjoining property owner.

Mr. Neilson stated that in order to justify any variance, a special circumstance or undue hardship must exist that is unique to the property. He stated that the parcel was flat and was approximately an acre in size. He then stated that there were no special circumstances unique to the property and recommended denial of the request.

Ms. Kristin Lang, representing the petitioner spoke in favor of the request.

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MOTION: Harrell **To deny the variance request.**

VOTE: Failed 2 to 3

MOTION: Marchioni **To approve the variance request conditioned upon the provision of a lease agreement with the adjoining property being in place.**

VOTE: Approved 3 to 2

Case Number 794-5

Mr. Neilson stated that this was a variance request to front yard setback from 45 feet to 3 feet for a principal building and from 15 feet to 10 feet for a canopy in order to construct a new gasoline/convenient store. The property is located at 2600 North Roan St. and is zoned B-4, Planned Arterial Business District. The petitioner is Mountain Empire Oil Company.

Mr. Neilson indicated that the petitioner states that the lot is irregularly shaped and is severely impact by the 45 foot front yard setbacks. The current facility is too small and outdated. In addition, the car wash no longer functions and the underground fuel tanks are getting old and could pose an environmental hazard. The Engineering Division has reviewed this request and has indicated that since both streets are already five lanes the likelihood that they would be expanded is very slim.

Mr. Jordon Broyles of Mountain Empire Oil spoke in favor of the request.

Mr. Jonathon Lewis of Highland Engineering also spoke in favor of the request.

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

VOTE: Approved 4 to 0

There being no further business, the meeting adjourned at 7:27 p.m.

APPROVED:

Robert Thomas, Chairman
Board of Zoning Appeals

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