

**JOHNSON CITY BOARD OF ZONING APPEALS
MINUTES
May 1, 2018**

Members Present: Dr. Stacey Wild, Chairman
Dr. Mike Marchioni, Vice-Chairman
Robert Thomas
Jenny Lockmiller

Members Absent: Marcy Walker

Staff Present: Venard Asongayi - Development Coordinator
Nicole Lawrence - Administrative Coordinator, Development
Services

Chairman Wild called the meeting to order at 6:00 p.m. A quorum was present.

Approval of the Agenda for the May 1, 2018 meeting was put forth with a motion to approve by Commissioner Thomas a second by Vice-Chairman Marchioni. The agenda was approved 4-0.

Approval of the minutes from the March 6, 2018 meeting was put forth with a motion to approve by Vice -Chairman Marchioni with a second by Commissioner Thomas. The minutes were approved 4-0.

New Business:

Consideration of a Special Exception request to construct self-service storage buildings at 100 Lab Connect Ln, Johnson City, TN. The Petitioner is Mitch Cox.

The property is zoned B-4 (Arterial Business District). Petitioner: Mitch Cox to allow the establishment of 288 self-service storage buildings at 100 Lab Connect, and a variance to eliminate planted evergreen buffer requirement on the north and east sides of the property. The area proposed for the construction of the storage buildings is a large, blighted parking lot.

Conditions applicable to the establishment of self-service storage buildings in the B-4 District are provided in Section 6.17.3.4 of the Zoning Ordinance. There include: perpendicular orientation of the buildings towards the street, no external storage of goods, provision of a fence and Type 1 buffer around the property, and provision of parking spaces to accessory uses, which must be outside the setbacks.

Recommendation

Staff recommends that the BZA grant the special exception permit subject to the relocation of the fence outside of the buffer area.

The petitioner, Mitch Cox was present to answer questions from the Board.

A lengthy discussion ensued regarding the placement of the fence buffer. The board agreed with the petitioner that the buffer would look more appealing placed with shrubbery on the outside of the fencing.

Public Hearing was opened; seeing no one wished to speak Public Hearing was closed.

A motion was put forth by Commissioner Lockmiller to approve the Special Exception as the petitioners site plan states, with a second by Commissioner Thomas. The Motion was carried.

Motion for a Special Exception, as the petitioners site plan was presented, was carried by a vote of 4-0.

The second item on the agenda was to consider a Variance request to reduce the side yard setback of a proposed attached garage at 151 Tangency, Johnson City, TN, from 10 ft. to 4 ft. The property is zoned R-2 (Low Density Residential District). The petitioner is Terry Carter.

The property owner proposes to construct an attached garage that will also serve as a workshop. The house is currently 19 ft. from the side property line. The proposed workshop space will be 16 ft. wide, leaving on unobstructed 4 ft. in the side yard.

There is a 7.5 ft. drainage and utility easement to the interior of the side lot line. Constructing the garage/workshop 4 ft. from the property line will partially obstruct this easement through which storm water passes from the rear of the property to Tangency Dr. This house already houses two garages as shown below. Most other houses in the neighborhood have just one garage. It does not appear, therefore, that an undue hardship may be involved in the strict application of the Zoning Code.

Recommendation

Staff recommends that should the Board of Zoning Appeals favorably consider this variance request, the 7.5 ft. drainage and utility easement to the interior of the side lot line should be left unobstructed.

The petitioner, Terry Carter was present to answer any questions the Board may have. Mr. Carter presented the Board with a letter signed by his neighbors agreeing to his request and design of an attached garage to his home. This letter is now a part of the official record of this meeting.

The board asked Mr. terry about his design and plans for his garage. The board also asked staff about the 7 ft. utility easement in the rear of the property. According to staff; Currently there are no utilities in that easement and the easement in throughout the entire neighborhood.

Staff informed the board that if they granted the petitioners request as stated in his application, his property would need to go through a re plat process and go before the Planning commission for approval.

The board asked Mr. Clark if he was willing to go through that process in order to be allowed to build the garage he wanted, Mr. Cater replied that yes, he was willing to re plat the property and go before the Planning commission for approval.

The motion was put forth by Commissioner Lockmiller to approve the Variance with the condition that the Planning Commission approves the Replat of the property. A second was put forth by Vice-Chairman Marchioni.

The motion carried with conditions of the Planning Commission's approval of a Replat of the property, 4-0.

There being no further business the meeting was adjourned at 6:45 pm.

Dr. Stacey Wild, Chairman