

Board of Zoning Appeals
Agenda
April 3, 2023

Public Comment

Approval of March 6, 2023 meeting minutes

Variance Request

A.) Stephen/Patricia Shutt-Lot 41 Turners Landing (03-011D-A-041.00 A-1)

Request 10 ft. front setback variance due to topography

B.) David/ Parrish Vaughn-5880 Old Russ. Pike/Depot St (03-019I-C-006.00 C-1)

Request a setback variance for the existing building due to R.O.W change by TDOT

Annual Review-CHO

A.) Floyd Gregg-2830 Gregg Road Morristown 37814 (02-032-057.00 A-1)

Annual Review of customary home occupation-Backwoods Outdoor Hunting & Shooting

Other Business

Adjournment

Minutes
Hamblen County Board of Zoning Appeals
March 6, 2023

Members Present

John Hofer, Chairman
Charles Anderson, Vice Chairman
Kyle Hale, Secretary
Bill Hicks
Edgar Gray

Staff

Tina Whitaker, Office Manager
Lindsey Horn, Clerical Assistant
Donna Massey, Administrative Assistant
Tommy McKinney, Codes Enforcement Officer
Darrell Chase, Building Inspector
Josh Cole, City Planner
Lori Matthews, City Planner
Other guests (see attached record)

Public Comment

None

Call to and Approval of the Minutes

Mr. John Hofer called the meeting to order.

Mr. Kyle Hale made a motion to approve the February minutes. Mr. Bill Hicks seconded the motion. All in favor; motion carried.

Admin Interpretation

- **A.) Doyle Whitmill -1265 Greenbriar Road Talbott, Tn. 37877 (02-046-035.14 A-1 Zone)**

Mr. Doyle Whitmill, property owner, represented the request and was sworn in. Mr. Whitmill is requesting to construct an apartment to the existing single wide mobile home. The single wide was placed on a basement foundation and has had some renovation/additions by the previous owners.

After much discussion, Edgar Gray made a motion to deny the request based on the structure type and concern of health and safety. Kyle Hale seconded the motion. All in favor; motion carried.

- **B.) Robert/Linda Stetson-3660 Everett Road Morristown, Tn. 37813 (05-040-084.02 A-1 Zone)**

Mr. Robert Stetson Jr, property owner, represented the request and was sworn in. Mr. Stetson is requesting a time limit to remove the existing single wide mobile home after the placement of a new double wide mobile home. After discussion, Charlie Anderson made a motion to allow six (6) months to remove the single wide mobile home and after completed, to issue the C/O. Bill Hicks seconded the motion. All in favor; motion carried.

Non-Conforming Review

- **A.) Milton Rodriquez-1301 Kidwell ridge Road Morristown, Tn. 37814 (02-032-081.00 R-1 Zone)**

Mr. Milton Rodriquez, property owner, represented the request and was sworn in. Mr. Rodriquez is requesting to open/re-open a car repair business that once belonged to E. C. Long. Josh Cole, City Planner discussed the state-regs for non-conforming and stated a Legal non-conforming use can be continued.

Tina Whitaker asked if this was considered an expansion and stated that it can't be more noxious than the previous establishment. The business and the property's appearance will need to remain the same as the previous owners with no storage of junk vehicles, misc. parts, tires, etc. Mr. Rodriquez stated that if his business grew in the future, he would relocate or open a second location. Charlie Anderson made a motion to approve the request to open the car repair business. Edgar Gray seconded the motion. All in favor; motion carried.

- **B.) Noel Montepeque (Buyer) Knight (Property Owner)-1947/2005 Joe Stephens Road 37814 (02-032-075.00 R-1)**

Noel Montepeque, buyer, represented the request and was sworn in. Mr. Montepeque is requesting a zoning review and approval of the double wide mobile home (second structure) as grandfathered/non-conforming use as he plans to use the property as a rental investment. Mrs. Knight, property owner, discussed the history of the property with the board members. After much discussion, Edgar Gray made a motion to deny the request due to the conditions of the structures, the time limits since they had been occupied and due to those facts they have lost their grandfather status. Bill Hicks (alternate) seconded the motion. All in favor; motion carried.

Other Business

Charlie Anderson made a motion to add Patricia Webb (Violation) to BZA. Kyle Hale seconded the motion. All in favor; motion carried. After much discussion took place as to why Ms. Webb would not let anyone in the building to inspect, to verify the use. Edgar Gray made a motion to send to County Attorney. Kyle Hale seconded the motion. All in favor, motion carried.

Adjournment

With no further business, Mr. Hale made a motion to adjourn the meeting. Mr. Anderson seconded. All in favor; motion carried. Meeting adjourned.

**HAMBLÉN COUNTY BOARD OF ZONING APPEALS
ADMINISTRATIVE INTERPRETATION AND/OR VARIANCE REQUEST**

Meeting Location: Main Courthouse-3rd Floor-Large Courtroom

Date of Review: April 3, 2023 @ 4:30 p.m.

Date: 3-10-23

Applicant: Stephen / Patricia Shutt

Mailing Address: P.O. BOX 1227 Concord CA 94522

Telephone: (Home) (Other)

PROPERTY IDENTIFICATION

Property Address 2098 Turners Landing Rd.
District 03 **Tax Map** 011D **Group** A **Parcel** 041.00
Subdivision Turners Landing **lot #** 41
Zone A-1 **Required Setbacks:** **Front** 30 **Sides/Rear** 10

REGULATIONS REFERENCE

ZONING: X **ARTICLE:** Front Setback-Variance
SUB. REGS ARTICLE:

ADDITIONAL INFORMATION FOR REVIEW

Corbin Stewart, Surveyor, to represent the request - 10 ft front setback variance due to topo of lot

DEED RESTRICTIONS

I understand that any approval granted by the Hamblen County Planning Commission does not release the referenced property from the requirements of private deed and/or subdivision restrictions.

Corbin Stewart
Applicant Signature

Received By: <u>Dm</u> <u>3-16-23</u>	Amount Paid: <u>\$50.00</u>
Date of Public Notice on Website/ Bulletin Board:	
Date sign was placed on the property:	
Date letters were sent to adjoining property owners:	
Action of the board:	

PROJECT NO: SHEET 1 OF 1	DATE: 1/12/2023			OWN. BY: CRS		CKD. BY: CRS	
	REVISION						
	NO.	DATE	BY	CHANGE			

ADMINISTRATIVE INTERPRETATION AND/OR VARIANCE REQUESTMeeting Location: Main Courthouse-3rd Floor-Large Courtroom Small CourtroomDate of Review: April 3, 2023 @ 4:30 p.m.Date: 3-9-23Applicant: David R Vaughn + Parrish VaughnMailing Address: 2000 EAST POINT LANETelephone: (Home) 423-231-2001 (Other) 423 231 0240**PROPERTY IDENTIFICATION**

Property Address 5880 OLD RUSSELLVILLE PIKE / Depot Street
District 03 Tax Map 019I Group C Parcel 006.00
Subdivision N/A lot # N/A
Zone C-1 Required Setbacks: Front 40 Sides/Rear 20

REGULATIONS REFERENCE

ZONING: ✓ ARTICLE: Setback requirements
SUB. REGS. _____ ARTICLE: _____

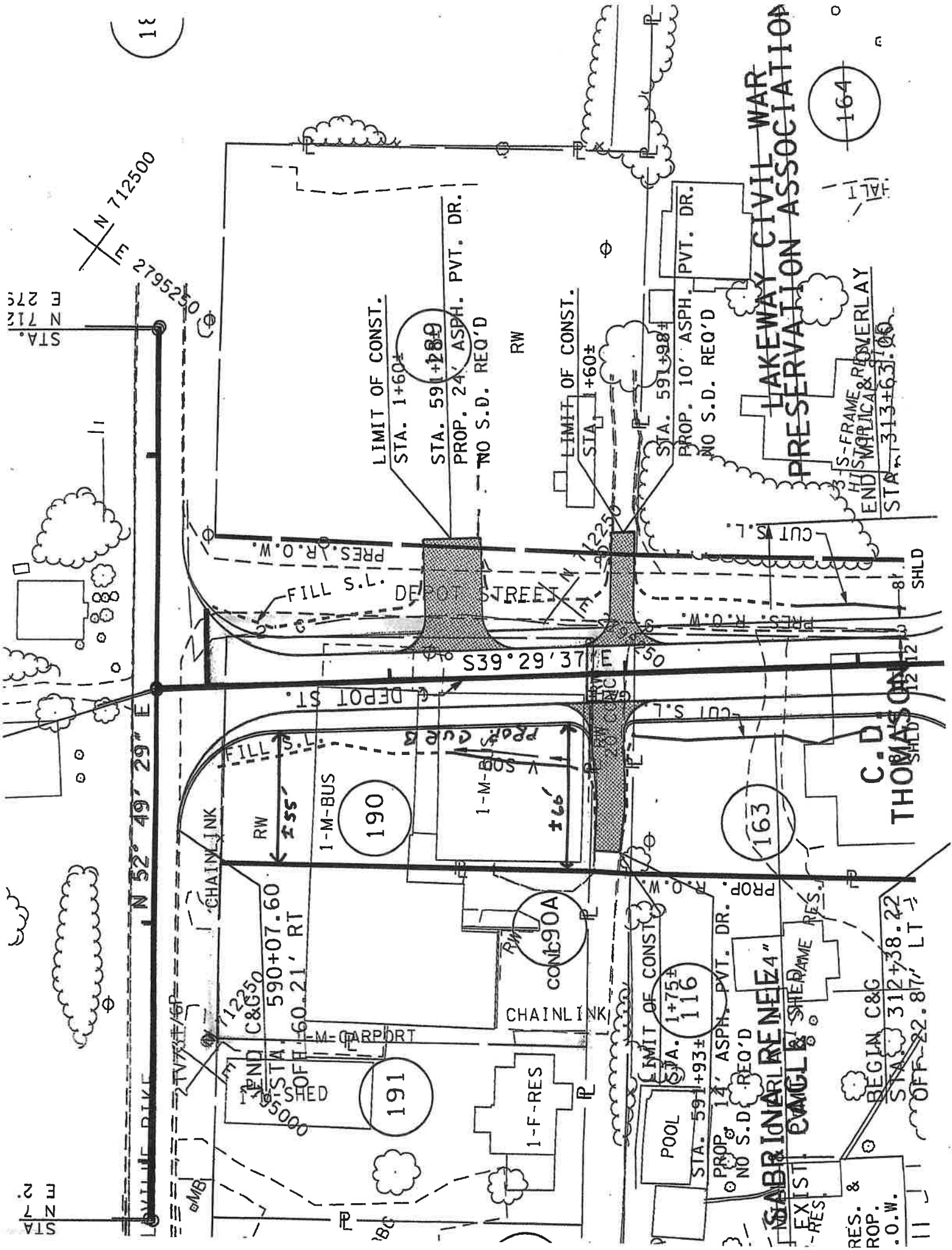
ADDITIONAL INFORMATION FOR REVIEW

Request setback variance for existing building
due to R.O.W changes on Depot Street
per TDOT. This variance request was reviewed on Oct. 5, 2020
and was denied due to lack of information, new map has been
DEED RESTRICTIONS submitted for review

I understand that any approval granted by the Hamblen County Planning Commission does not release the referenced property from the requirements of private deed and/or subdivision restrictions.

David R Vaughn
Applicant Signature

Received By: <u>Dm</u>	Amount Paid: <u>50.00</u>
Date of Public Notice on Website/ Bulletin Board:	
Date sign was placed on the property:	
Date letters were sent to adjoining property owners:	
Action of the board:	



HAMBLLEN COUNTY BOARD OF ZONING APPEALS
ADMINISTRATIVE INTERPRETATION AND/OR VARIANCE REQUEST

Meeting Location: Main Courthouse-3rd Floor-Small Courtroom *large courtroom*
Date of Review: October 5, 2020 @ 4:30 p.m.

Date: 9-11-2020

Applicant: David Vaughn

Mailing Address: _____

Telephone: (Home) 231-2001 (Other) _____

PROPERTY IDENTIFICATION

Property Address 5888 Old Russellville Pike / Depot Street
District 03 Tax Map 019I Group C Parcel 006.00
Subdivision _____ lot # _____
Zone C-1 Required Setbacks: Front 40 Sides/Rear 20

REGULATIONS REFERENCE

ZONING: ✓ ARTICLE: Setback requirements
SUB. REGS _____ ARTICLE: _____

ADDITIONAL INFORMATION FOR REVIEW

Request setback variance for existing building
due to R.O.W changes on Depot Street
per TDOT

DEED RESTRICTIONS

I understand that any approval granted by the Hamblen County Planning Commission does not release the referenced property from the requirements of private deed and/or subdivision restrictions.

on file
Applicant Signature

The Planning Commission requests that you identify the location of the structure to be placed on your property for field review purposes.

Received By: PM

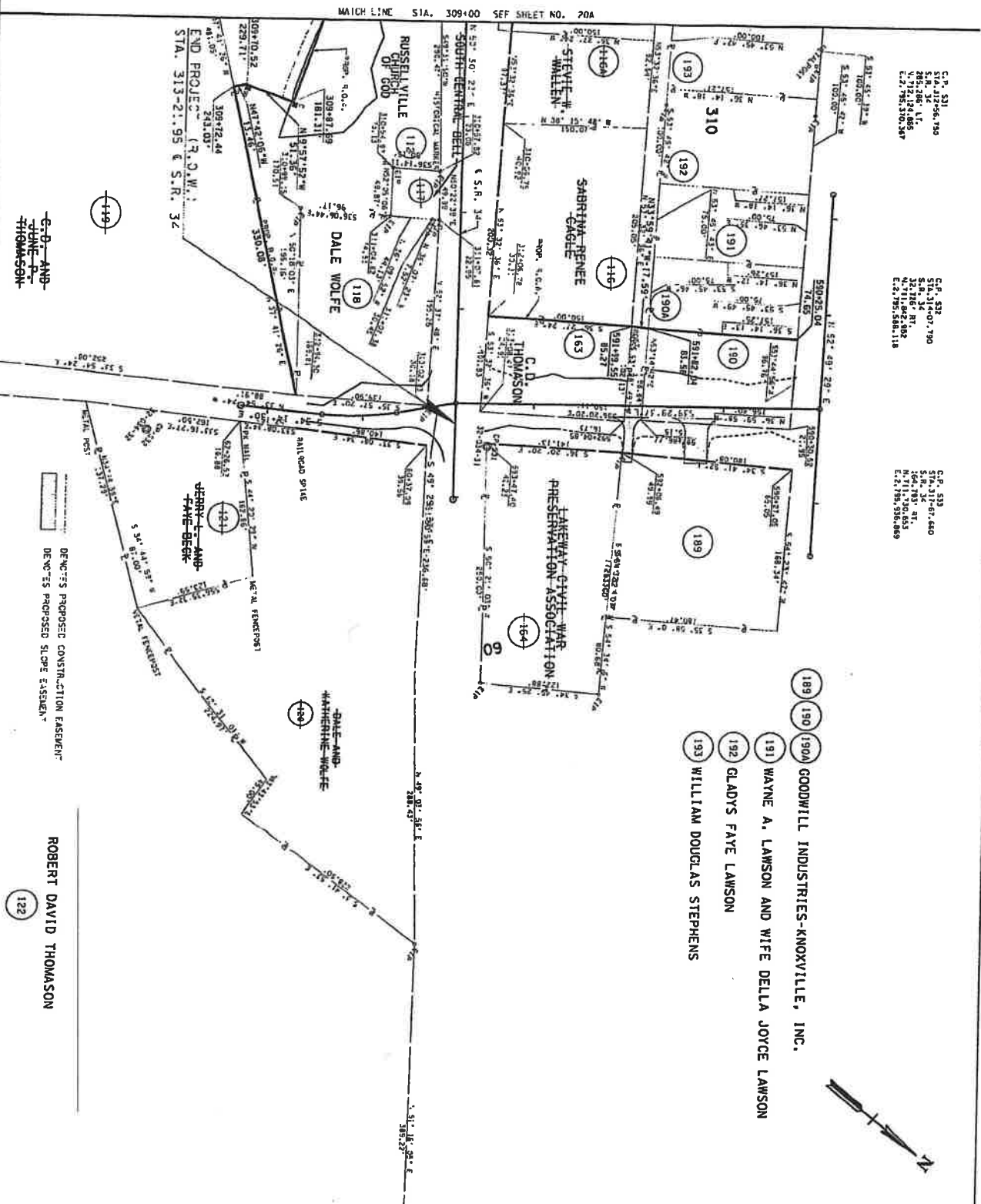
Total amount paid: \$50.00

Action of the board:

Request was denied due to variance
request did not contain enough information.

11/17/2019 5:28:08 AM
M:\TDO\T\134\Project_F\Shreef\11B5N34_021A_PDW.SIT

5888 Old Russellville Pike



C.P. SJ1
STA. 312+56.795
S.R. 34
285.286' LT.
N. 712.124.685
E. 2.795.370.367

C.F. 532
STA. 314+07.790
S.R. 34
32.726' RT.
N. 71.1, 842.962
E. 2.795, 508.118

C.P. 533
51A.317-67.660
S.R. 34
:64.703' AT.
N.711.730.653
E.2.1795.936.065

189 190 190A GOODWILL INDUSTRIES-KNOXVILLE, INC.

191 WAYNE A. LAWSON AND WIFE DELLA JOYCE LAWSON

192 GLADYS FAYE LAWSON

193 WILLIAM DOUGLAS STEPHENS

~~C.D. AND~~
~~JUNE P.~~
~~THOMASON~~

DENOTES PROPOSED CONSTRUCTION EASEMENT
DENOTES PROPOSED SLOPE EASEMENT

ROBERT DAVID THOMASON

122

R.O.W. PLANS

TYPE	YEAR	PROJECT NO.
R.O.P.	2016	N-134863

Rev. 12/05/16 E:\mhr\revd Tract 117.

ST. 309-000 TO ST.313+21.9
RIGHT-OF-WAY
DETAILS
DEPARTMENT OF TRANSPORTATION
STATE OF CONNECTICUT

**Minutes
Board of Zoning Appeals Meeting
October 5, 2020**

Members Present

Charles Anderson, Vice-Chairman
Kyle Hale, Secretary
Bill Hicks

Staff

Tina Whitaker, Department Manager
Tommy McKinney, Code Enforcement

Absent: John Hofer
Edgar Gray

See Planning Commission minutes for sign in sheet

Approval of the minutes

The minutes of the September 8, 2020 meeting were approved upon a motion by Kyle Hale and seconded by Bill Hicks. All voted in favor. Motion carried.

Variance Request

a.) David Vaughn-5888 Old Russellville Pike Russellville, TN 37860 C-1 Zone

Parrish Vaughn represented the request for a setback variance, for the existing building, due to the proposed right-of-way changes on Depot Street per the TDOT site plan. Mr. Vaughn did not have an exact measurement of the needed variance nor was it identified on the submitted plans. Kyle Hale made a motion to deny the request due to lack of information and advised to return with a site plan with setback measurements/dimensions. Bill Hicks seconded. All voted in favor. Motion carried.

Administrative Interpretation

a.) Action Investments-Jaybird Road/Sanoria Lane-(03-018P-D-019.03 R-1 Zone)

Chad Gust represented the request to re-establish the mobile home park to provide quality low cost housing in a safe environment. Mr. Gust explained that they had purchased the park and have made significant improvements to the property. He stated that once completed there would be a total of 10 homes on the property, 5 less than the previous park. Josh Cole, City Planner explained that the property is zoned R-1 (Residential) which does not permit mobile home parks but this park was considered a legal non-conforming use at the time of zoning adoption. However, the previous owner stopped renting the homes and allowed them to fall into a dilapidated state. Per a survey recorded 2019, all of the mobile homes except one on this property was noted as being in "such disrepair" that they would be removed from the property and the Hamblen County Tax Assessor notes that only one mobile home is considered to be habitable. After much discussion, Bill Hicks made a motion that the mobile home park had lost its non-conforming (grandfathered) status due to supporting documentation, that one single wide mobile home would be considered grandfather and could remain on the property, and all other mobile homes must be removed from the property in 6 months. Kyle Hale seconded. All were in favor motion carried.

Other Business

Adjournment

The meeting was adjourned upon a motion by Hale and seconded by Hicks.

Signature

Date

ADMINISTRATIVE INTERPRETATION AND/OR VARIANCE REQUEST

Meeting Location: Main Courthouse-3rd Floor-Large Courtroom

Date of Review: April 4, 2022 @ 4:30 p.m. Small Court
April 3, 2023

Date: 3-4-22

Applicant: Floyd W. Gregg

Mailing Address: 2830 Gregg Rd Morrisstown, TN 37814

Telephone: (Home) 423-839-4262 (Other) _____

PROPERTY IDENTIFICATION

Property Address 2830 Gregg Rd
District 02 Tax Map 032 Group - Parcel 057.00
Subdivision James Gregg Estate lot # 3+4
Zone A-1 Required Setbacks: Front 30 Sides/Rear 10

REGULATIONS REFERENCE

ZONING: V ARTICLE: Customary Home Occupation
SUB. REGS. _____ ARTICLE: _____

ADDITIONAL INFORMATION FOR REVIEW

See attached paperwork

DEED RESTRICTIONS

I understand that any approval granted by the Hamblen County Planning Commission does not release the referenced property from the requirements of private deed and/or subdivision restrictions.

[Signature]
Applicant Signature

Received By: <u>Donna</u>	Amount Paid: <u>50.00</u>
Date of Public Notice on Website/ Bulletin Board: _____	
Date sign was placed on the property: _____	
Date letters were sent to adjoining property owners: _____	
Action of the board: <u>approved - NO sales of guns or ammo</u> <u>from the prop - Annual Review</u>	

Hamblen County Planning Commission, Morristown TN. 37814- (423) 581-1373

Application # 033-22

Name: Floyd Wayne Gregg + Lori Marie Gregg

Name of Business: Backwoods Outdoors Hunting + Shooters
Supply

Address: 2830 Gregg Road
Morristown, TN. 37814

Staff Action Taken:

Fee Payment:/Date: _____

Approved: _____ Denied: _____ Date: _____

Staff: _____ Check Additional businesses: _____ SW brochure _____

Additional Requirements/Comments: _____

BZA ACTION TAKEN: (Required when occupation is conducted in an accessory building or when staff cannot approve request)

Fee Payment/Date: March 4, 22 \$50.00

Approved: ✓ Denied: _____ Date: April 4, 2022

Additional Requirements/Comments: Approved with no sales of guns or ammo from
the property

Effective Date of Permit: April 5, 2022

Review Date: April 5, 2023

**** Home occupation permits are not transferable. ****

Permission granted shall not be interpreted or construed as permission to conduct a customary home occupation otherwise prohibited under applicable subdivision restrictive covenants.

**CUSTOMARY HOME OCCUPATION
HAMBLLEN COUNTY, TENNESSEE**

Application # 033-22

Applicant Information: (please print)

Name: Floyd Wayne Gregg / Lori Marie Gregg
Name of Business: Backwoods Outdoors Hunting and Shooters Suppl
Address: 2830 Gregg Rd. Morristown TN 37814
(City) (State) (zip)
Phone Number: 423-839-4162 Fax Number: _____

Date of Birth 01/18/73

Office Use

District: 02 Tax Map: 032 Group: _____ Parcel: 057.00
Zoning: A-1 Subdivision: James Gregg Estate Lot# 3+4

Please provide a description of proposed type of Customary Home Occupation being requested. Please be as specific as possible. You may attach a letter of explanation, if necessary.

Selling/Transferring of firearms and or rifles, pistols, scopes,
and scope accessories, ammunition, shooting rests, reloading supplies,
brass, primers, powders, dies, presses ect.
Gun shows, flea market, online, and individual sales

The following conditions apply to all Customary Home Occupation Permits. Please read the items listed below carefully and place a check mark next to each entry signifying your acknowledgment and verification that the proposed home occupation will meet all conditions listed.

WG/LG 1. At least one (1) worker must permanently reside in the dwelling and the maximum number of workers, including volunteers, shall not exceed three (3) including the resident.

WG/LG 2. There shall be no obvious changes or alternations made to the outside appearance of the residence or premises, except that one (1) non-illuminated sign no larger than two (2) square feet may be attached to the residence.

WG/LG 3. No more than twenty five percent (25%) of the gross floor area of the dwelling or 500 square feet, whichever is less, shall be used in the conduct of the home occupation, including the storage of materials or products related to the occupation.

WG/LG 4. There shall only be one (1) home-based occupation allowed per dwelling. Is there another business at this location? NO

WG/LG 5. No traffic shall be generated in a greater volume than would normally be expected in a residential neighborhood, including pickup or deliveries, and any needed parking spaces generated by the conduct of such home occupation shall be met off the street and other than in a required front yard.

6. The occupation shall not involve any on-site retail sales other than the sale of mail-order commodities, approved professional services or sales of products produced on the premises.

WG/LG 7. No equipment or process shall be used in such home occupation that creates, increased or produces objectionable noise, smoke, dust, glare, vibration, fumes, odors, electrical interference, or other effects detectable to the normal senses beyond the property lines of the lot on which the occupation is situated.

WG/LG 8. There shall be no exterior storage of raw materials, stock in trade, inventory or display of goods on the premises. The outside storage of anything connected with the home occupation other than one (1) commercial type vehicle, is prohibited.

I. Examples of permitted customary home occupations include:

Artist, sculptor or craftsperson
Childcare/babysitting
Cooking and preserving
Professional service office

Barber/beauty shop (2 stations only)
Computer or telephone services
Dressmaker, seamstress or tailor
Teaching (one pupil/teacher)

Any other use which the planning commission office deems to be similar use as those listed above.

II. Examples of uses prohibited as customary home occupation include:

Adult entertainment
Animal training
Automobile painting
Body piercing or tattoos
Funeral home or chapel
Massage therapist
Retail sales
Veterinary service

Ambulance service
Automobile repair
Automobile body work
Medical or dental practice
Machine shop
Restaurant
Towing service
Welding Shop

Any other use which disrupts and/or is inconsistent with the agricultural or residential character of the neighborhood is prohibited.

The applicant is further advised that permission granted to conduct a Customary Home Occupation under Article 7.1 of the Hamblen County Zoning Regulations shall not be interpreted or construed as permission to conduct any such activity otherwise prohibited under applicable subdivision restrictive covenants. A copy of these restrictions can be found in the Register of Deeds office.

In addition to the above outlined conditions, and in an agricultural zoning district only, a customary home occupation that is clearly incidental and subordinate to residential purposes may be conducted in an accessory building, not exceeding one thousand (1,000) square feet, provided that it is located on the same property and the following standards are met:

- A.) A home occupation permit must first be obtained from the BZA and the applicant shall demonstrate that the location of the accessory building is on the same property as their principal domicile.
- B.) Products or materials shall not be visible on the premises from any public roadway adjacent to the property on which the home occupation is situated.
- C.) There shall be no significant increases in traffic, utility usage or any other required public services that would indicate the use of the property is other than for agricultural or residential purposes.
- D.) No activity related to the home occupation shall be conducted outdoors on the property.
- E.) No commercial vehicles, earth moving equipment or heavy construction or hauling equipment or building materials shall be allowed to be stored within public view on the premises.
- F.) One non-illuminated free standing or portable sign may be placed at the access point of the property where the home occupation is located provided it shall not exceed four (4) four square feet nor be placed nearer than ten (10) feet to the road right of way on which the property fronts.

The Planning Commission office or BZA may render additional requirements specific to a particular occupation as it deems necessary to protect the intent and purpose of maintaining the character of the neighborhood in which the occupation is being sought.

Home occupations permits are not transferable. A new home owner, property owner, descendent, heir or individual other than to whom the Planning Commission office or BZA issues a home occupation permit shall be required to apply for a new home occupation permit.

Should the holder of a home occupation permit fail to continuously comply with all conditions and standards of its issuance the permit shall be revoked as provided below:

- A.) The permit holder shall be notified in writing that the conditions of its issuance are being met.
- B.) The permit holder shall be given fourteen (14) calendar days from the postmark of written notification of non-compliance to contact the County to make arrangements to resolve the issue of non-compliance.
- C.) Should the non-compliance issue not be resolved in a timely manner, the permit holder shall be notified that the home occupancy permit has been revoked and all business activities shall terminate immediately upon receipt of the notice. Any appeals of the revocation of a home occupation permit by the owner shall be made in writing to the BZA within seven (7) calendar days of the receipt of the revocation notice. A timely filed appeal shall result in the revocation action being held in abeyance pending the hearing by the BZA.

I HEREBY CERTIFY THAT:

- 1.) I HAVE READ AND UNDERSTAND THE PRECEEDING REQUIREMENTS FOR A CUSTOMARY HOME OCCUPATION;
- 2.) ALL INFORMATION PROVIDED IN THIS APPLICATION IS ACCURATE AND COMPLETE;
- 3.) I AM THE PERMANENT RESIDENT OF THE DWELLING IDENTIFIED ABOVE;
- 4.) I UNDERSTAND THAT IF ALL THE LISTED CONDITIONS, STANDARDS AND REQUIREMENTS ARE NOT CONTINUOUSLY COMPLIED WITH, THIS PERMIT SHALL BE REVOKED AS PROVIDED FOR HEREIN.

Signed this 4th day of MARCH 2022.

Floyd Wayne Hys
Permit Applicant

Lori Marie Gregg

Donna Massey

(Notary Public)

My Commission Expires: 5/26/25

State of Tennessee, County of Hamblen



The above-named applicant personally appeared before me, a Notary Public for the State of Tennessee in Hamblen County this 4th day of MAR, 2022, who affirmed the information and executed in instrument herein above for the purpose contained therein.

****If the applicant is not the homeowner of the property address of the Customary Home Occupation, please read and sign the following Acknowledgement of Responsibility:**

I fully understand and agree, that it is my responsibility to notify the Property Owner of the proposed home-based occupation at this location and understand approval by this office shall not be construed as permission if prohibited by the property owner.

Applicant: _____

Date: 20

(Notary Public)

My Commission Expires: _____

State of Tennessee, County of Hamblen

The above-named applicant personally appeared before me, a Notary Public for the State of Tennessee in Hamblen County this _____ day of _____, 20____, who affirmed the information and executed in instrument herein above for the purpose contained therein.