

**Board of Zoning Appeals Agenda  
May 1, 2023**

**Public Comment**

**Approval of the April 3, 2023 meeting minutes**

**Variance Request**

A.) Joe Whiteside-1703 Boatmans Ridge Road 37814 (02-016-035.00 R-1)  
Side setback variance request

**Zoning Violation**

A.) William Riley-1675 Carroll Road 37813 (04-035-016.06 A-1)  
Multiple vehicles and possible business activity

**Other Business**

**Adjournment**

**Minutes**  
**Hamblen County Board of Zoning Appeals**  
**April 3, 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

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 March minutes. Mr. Bill Hicks seconded the motion. All in favor; motion carried.

**Variance Request**

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

Mr. Corbin Stewart, Surveyor, represented the request for Stephen and Patricia Shutt and was sworn in. Mr. Stewart asked for a 10 foot front setback variance. He explained that the lot was very steep and they need to move the house closer to the front property line. Charles Anderson made a motion to approve the request due to the topography. Mr. Edgar Gray seconded the motion. All in favor; motion carried.

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

Mr. David Vaughn, property owner, represented the request and was sworn in. Mr. Vaughn's request was for a zero lot line variance due to the State taking two and half of his four buildings. After much discussion the Board voted to grant his request. Charles Anderson made a motion to grant the request for zero lot line variance due to the State taking a portion of his property. Kyle Hale seconded. All in favor; motion carried.

**Annual Review-CHO**

**A.) Floyd Gregg-2830 Gregg Road Morristown Backwoods Outdoor Hunting/Shooting 37814 (02-032-057.00 A-1)**

Mr. Floyd Gregg, property owner, represented the request and was sworn in. Tina Whitaker, Department Manager stated that the office had not received any complaints. Charles Anderson made a motion to approve without additional reviews unless the office receives complaints. Kyle Hale seconded. All in favor; motion carried.

**Other Business**-None

**Adjournment**

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

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

Meeting Location: Main Courthouse-3<sup>rd</sup> Floor-Large Courtroom Small Courtroom

Date of Review: May 1, 2023 @ 4:30 p.m.

Date: 4/4/23  
Applicant: Joe Whiteside  
Mailing Address: 1703 Boatman's Ridge Rd M'Faul 37814  
Telephone: (Home) 423-736-3841 (Other) 423-736-3841

PROPERTY IDENTIFICATION

Property Address 1703 Boatman's Ridge Rd M'Faul 37814  
District 02 Tax Map 016 Group — Parcel 035.00  
Subdivision — lot # —  
Zone R1 Required Setbacks: Front 30 Sides/Rear 10

REGULATIONS REFERENCE

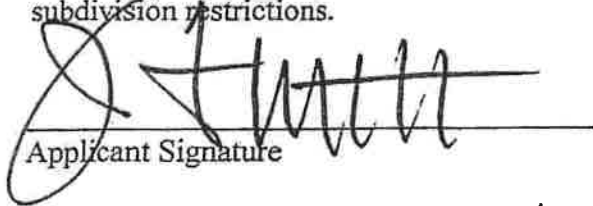
ZONING:  ARTICLE: Setback requirements  
SUB. REGS. — ARTICLE: —

ADDITIONAL INFORMATION FOR REVIEW

I would like to build app. 36' x 50' metal building where my existing garage is located. Existing garage is within 2' of property line and the adjoining neighbor has no objection!

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.

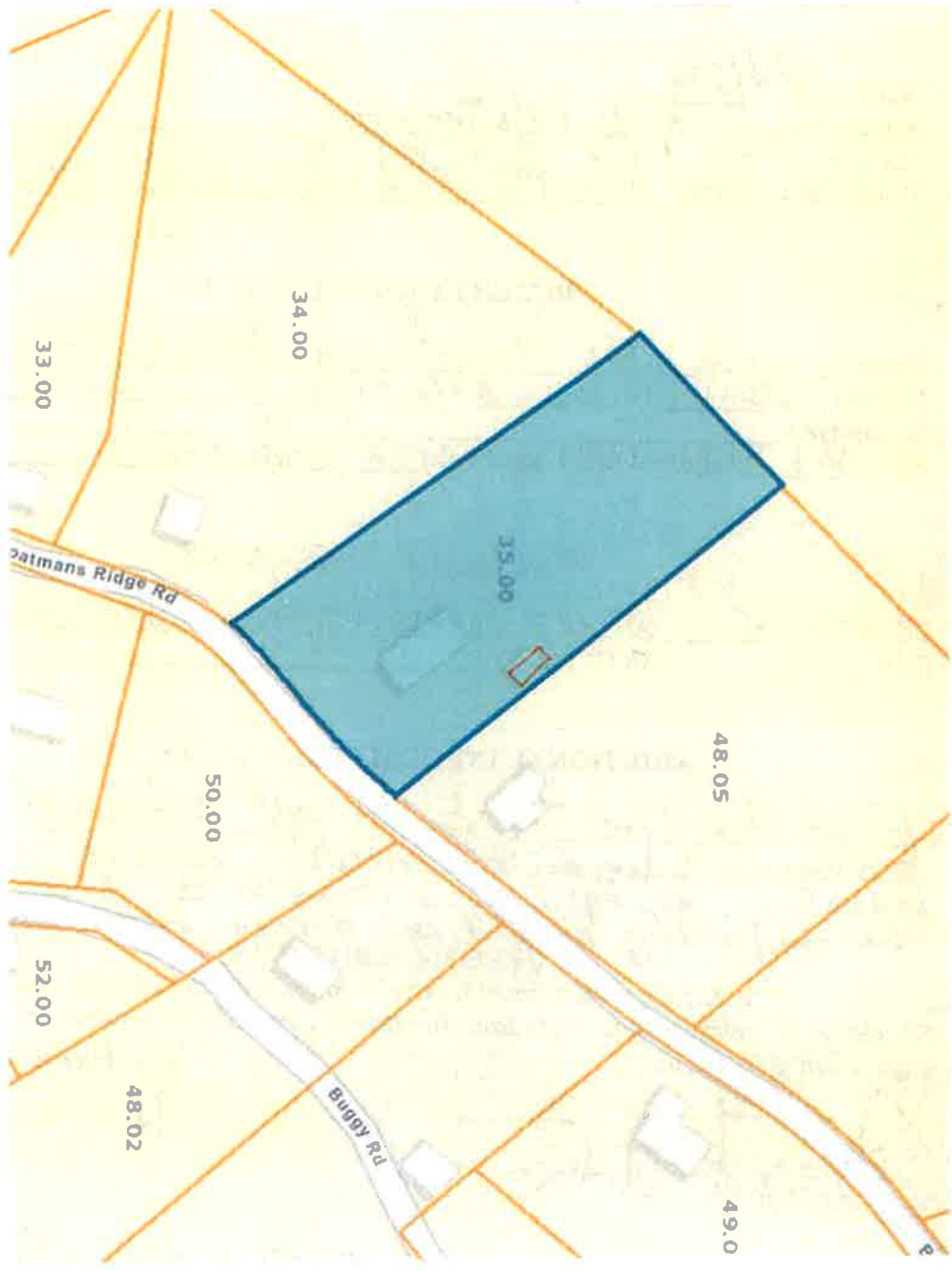
  
Applicant Signature

Kathryn Humann  
423-312-9203 (neighbor)

Needs Variance due to topography + field lines  
8 ft side setback variance request

Received By: <u>DM</u> <u>4-10-23</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:	

1703 Boatmans Ridge Rd.



Current	20x20	(400 sq ft)	Det. garage
Proposed	36x50	(1800 sq ft)	Det. garage



Hamblen County  
Property Maintenance  
511 W. 2<sup>nd</sup> North Street  
Morristown, TN. 37814  
423-581-1373

<b>For Official Use Only</b>	
Compliant#	067-19
Inspector Assigned:	
Investigation Date:	
Enforcement Action:	
<input type="checkbox"/> Not Valid/Unjust	<input type="checkbox"/> Warning
<input type="checkbox"/> Notice of Violation	<input type="checkbox"/> Summary Citation

**COMPLAINT FORM**

Please print clearly. If the writing is not legible, we will not be able to pursue the complaint.

Date Filed: 09-19-2019

**Property Address**

1675 CARROLL Rd

**Type of Alleged Violation: (Check all That Apply)**

- Structure Complaint
- Vacant Structure Complaint
- Sanitation Complaint
- Infestation Complaint
- Other Complaint \_\_\_\_\_
- Rubbish/Garbage/Debris Complaint
- High Weeds/Grass Complaint
- Inoperable Vehicle Complaint
- Cars parked in the ROW Complaint

Nature of the Complaint: I counted 19 vehicles on property 2 weeks ago

**Filed By:**

Complainant Name: EARL JENNINGS

Complainant Address: 1631 CARROLL Rd.

Complainant Phone: 423-586-5054 Email: JENNINGS6588@ATT.NET

May County personnel walk on your property to view the alleged violation? Yes  No

Can we contact you to appear in court for the violations noted? Yes  No

Complainant's Signature Earl Jennings

All complaints should be made in writing and filed with the Planning Commission office. The office can only respond to your complaint if the requested information on this form is provided.

Please complete and return this page to [planning@co.hamblen.tn.us](mailto:planning@co.hamblen.tn.us) for review and processing.

**WILLIAM RILEY-1675 CARROLL ROAD MORRISTOWN, TN. 37813**  
**04-035-016.06 A-1 ZONE**

**ZONING & PROPERTY MAINTENANCE VIOLATION**

SUMMARY

9-19-19 EARL JENNINGS (1631 CARROLL ROAD) FILED A COMPLAINT CONCERNING THE NUMBER OF VEHICLES THAT HAVE BEEN MOVED ONTO THE PROPERTY AND THE POSSIBILITY THAT A BUSINESS IS BEING CONDUCTED OUT OF THE DETACHED GARAGE.

STAFF HAS CONDUCTED NUMEROUS FIELD INSPECTIONS, HAS TAKEN PICTURES AND HAS CONFIRMED THAT THERE IS A ZONING/PROPERTY MAINTENANCE VIOLATION DUE TO 20/30+ VEHICLES BEING STORED ON THE PROPERTY. THERE DOES NOT APPEAR TO BE A BUSINESS OPERATION IN THE DETACHED GARAGE PER OUR FIELD INSPECTIONS.

A BUILDING PERMIT (#7484) WAS ISSUED TO RONNIE CARPENTER ON 8/4/2004 FOR PERSONAL USE ONLY.

THE TAX ASSESSOR'S OFFICE HAD RONNIE CARPENTER'S BODY SHOP LISTED AS A BUSINESS FOR 2009 & 2010 BUT CLOSED IN 2011. THIS BUSINESS WAS NOT APPROVED THRU THE PLANNING COMMISSION OFFICE NOR IS IT ALLOWED IN THE CURRENT A-1 ZONE.

STAFF HAS NOT ACTED ON THIS VIOLATION DUE TO THE NUMBER OF OPEN VIOLATION CASES THAT HAVE NOT BEEN RESOLVED AND THE FACT THAT THE COUNTY HAS TAKEN MR. RILEY TO COURT IN THE PAST, ON THE SAME TYPE OF VIOLAITON ON BUELL CHAPEL ROAD, AND THE PROPERTY WAS NOT BROUGHT INTO COMPLIANCE AND IS STILL A VIOLATION.

PREVIOUS COUNTY COMMISSIONER RANDY DEBORD AND COMMISSIONER RODNEY LONG HAVE ASKED THAT THIS VIOLATION BE RESOLVED.

**Cremation:** Act of reducing a human corpse, or a dead animal, by a thermal and/or mechanical process that reduces the remains to bone fragments. Cremation includes the processing and usually includes the pulverization of the bone fragments. (July 24, 2014)

**Crematory:** A building or structure, or a room within a building or structure, containing properly installed, certified apparatus, intended for use in the act of cremation of the remains of deceased human bodies or parts thereof. A crematory facility shall be located on a tract or parcel of land that contains at least two (2) acres, whether it is a stand-alone cremation facility or part of a funeral home establishment, the smokestack shall be located no less than one hundred (100) feet from the nearest property line, and the outside perimeter of the property shall have an approved evergreen buffer. (July 24, 2014)

**Custom Butchering Operations:** A building used for the butchering and wrapping, but not for the sale of meat. Slaughter of animals on the site is prohibited. Such facility shall be limited to no more than 1,000 square feet of floor space and shall be located on a parcel of property of not less than five (5) acres.

**Flea Market:** The building or grounds where the sale, trade, or auction of predominantly used goods, wares, clothing, or general items is conducted.

**Funeral Home Establishments:** A building or structure, or part thereof, engaged in preparing the human dead for burial. Such place may contain space and facilities for: (a) embalming and performance of other related services in preparation of the dead for burial; (b) storage of caskets, funeral urns and other related funeral supplies; (c) display of deceased persons and rituals connected thereto and; (d) the storage of funeral vehicles. Facilities for cremation may be allowed if the zoning district permits (See Article 7, Section 7.7 for applicable standards). (July 24, 2014)

**Inoperable Motor Vehicle-**Any vehicle, car, truck, van, bus, recreational vehicle, motorcycle, or parts thereof, which does not have an engine or drive train in operating condition, inflated tires on all wheels, an operative battery, or valid state license plate and registration issued to a person in possession of the property on which the vehicle is located, or which, for any reason, is not operable and capable of being legally driven upon the roads and highways of the County and the State of Tennessee under its own power.

**Junkyard:** Shall mean an establishment, a place of business and/or a parcel of real estate which is maintained, operated or used to storing, keeping, buying or selling junk, or salvage, or for the maintenance or operation of an automobile wrecking yard. "Junkyard" includes scrap metal processors, car crushing sites, used auto parts yards, yards providing temporary storage of automobile bodies or parts awaiting disposal as a normal part of the business operation, when the business will continually have like materials located on the premises, garbage dumps and sanitary landfills. For the purpose of this resolution, a "recycling center" shall not be a "junkyard." (December 22, 2005)

- a) "Junk" or "Salvage" shall mean old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber, debris, waste, or junked, dismantled, or inoperable automobiles or parts thereof, salvage, iron, steel and other old or scrap ferrous or non-ferrous metals. (December 22, 2005)
- b) "Automobile Wrecking Yard" shall mean any lot or place which is exposed to the weather and upon which more than five (5) inoperable motor vehicles of any kind, or parts thereof, or which it would not be economically practical to make operative, are placed, located or found. For purposes of the definition, any landowner owning more than one adjoining lots or parcels shall be considered the owner of one (1) tract of land. "Automobile wrecking yard" shall not be construed to mean an establishment having facilities for processing iron, steel, or nonferrous scarp for sale or re-melting purposed only; nor shall such definition include a body shop or towing service licensed to conduct business in Hamblen County. (December 22,2005)

**Landfill:** Any lot or tract, which collects salvage, scrap, or any type of discarded materials. Any lot or tract, which permits the dumping of salvage materials on the property or disposes of such materials by disposal into sink-holes or trenches, shall be deemed a landfill.

**Mausoleum:** A building used for the entombment of human remains above ground. (July 24, 2014)

**Methadone Treatment Clinic or Facility:** A privately owned physician's practice or medical offices or an investor-owned clinic that is operated for the primary purpose of dispensing methadone. (September 2011)

**Mobile Home:** A structure that can be a single-wide or double-wide structure designed for long term residential occupancy and containing a flush toilet, a tub or shower bath, and kitchen facilities with water supply, electrical supply and sewage disposal connected to outside systems. A mobile home for the purpose of this resolution does not include a mobile unit to be used in conjunction with a commercial or industrial activity.



**Habitable Space**-Space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces, and similar areas are not considered habitable spaces.

**Housekeeping Unit**-A room or group of rooms forming a single habitable equipped and intended to be used for living, sleeping, cooking and eating which does not contain, within such a unit, toilet, lavatory and bathtub or shower.

**Imminent Danger**-A condition which could cause serious or life-threatening injury or death at any time

**Infestation**-The presence, within or contiguous to, a structure or premises of insects, rats, vermin or other pests

**Inoperable Motor Vehicle**-A vehicle which cannot be driven upon the public streets for reason including but not limited to, having no current valid registration, wrecked, abandoned, in a state of disrepair, or incapable of being moved under its own power

**Labeled**-Equipment, materials or products to which have been affixed a label, seal, symbol or other identifying mark of a nationally recognized testing laboratory, inspection agency or other organization concerned with product evaluation that maintains periodic inspection of the production of the above-labeled items and whose labeling indicates either that the equipment, material or product meets identified standards or has been tested and found suitable for a specific purpose.

**Let for Occupancy or Let**-To permit, provide or offer possession or occupancy of a dwelling, dwelling unit, rooming unit, building, premise or structure by a person who is or is not legal owner of record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of land.

**Neglect**-The lack of property maintenance for a building or structure

**Occupancy**-The purpose for which a building or portion thereof is utilized or occupied.

**Occupant**-Any individual living or sleeping in a building, or having possession of a space within a building

**Openable Area**-The part of a window, skylight or door which is available for unobstructed ventilation and which opens directly to the outdoors.

**Operator**-Any person who has charge, care or control of a structure or premises which is let or offered for occupancy

**Owner**-Any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

**Person**-An individual, corporation, partnership or any other group acting as a unit

**302.6 Motor Vehicles**-Except as provided for in other regulations, no more than two (2) inoperative, unlicensed and uninsured motor vehicles shall be parked, kept or stored on any premises. No vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth. No inoperable vehicles allowed to be parked on public road Right of Way (ROW).

Exception: A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes.

**302.7 Defacement of property**-No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or buildings on any private or public property by placing thereon any making carving or graffiti.

It shall be the responsibility of the property owner to restore said surface to an approved state of maintenance and repair.

## **Section 303**

### **Swimming Pool, Spas and Hot Tubs**

**303.1 Swimming Pools**-Swimming pools shall be maintained in a clean and sanitary condition, and in good repair.

**303.2 Enclosures**-Private swimming pools, hot tubs and spas, containing water more than 24 inches (610 mm) in depth shall be completely surrounded by a fence or barrier at least 48 inches (1219mm) in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is minimum of 54 inches (1372 mm) above the bottom of the gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self-latching gates shall be maintained such that the gate will positively close latch when released from an open position of 6 inches (152 mm) from the gatepost. No existing pool enclosure shall be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier.

Exception: Spas or hot tubs with a safety cover that complies with ASTM F 1346 shall be exempt from the provisions of this section.



1675 Carroll Rd

04/03/23

(30 cars)