



City of Johnson City Tennessee

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BOARD OF ZONING APPEALS CITY OF JOHNSON CITY, TENNESSEE

Minutes of the Meeting of
August 13, 2013

The Board of Zoning Appeals held its meeting on August 13th at 9:00 a.m. in the City Commission Chambers of the Municipal and Safety Building.

Members Present

Jeff Benedict, Chairman
Dwight Harrell, Vice Chairman
Steve Meroney
Jamie Povlich
Tim O'Neill,

Staff Present

Steve Neilson, Development Coordinator

Mr. Benedict called the meeting to order at 9:00 a.m.

Minutes

The Minutes of the July 9th and July 24th meeting were considered for approval.

MOTION: Meroney

To approve the minutes of the July 9 and 24th meetings conditioned upon a correction of a misspelling in the July 24th minutes.

SECOND: O'Neill

VOTE: Approved 5-0

Case No. 773-2

Mr. Neilson indicated that this was a request for special exception approval for outdoor dining at the One 12 Downtown and the Tipton Street Pub located at 112 and 108 Tipton Street. He stated that this was somewhat unique in that the petitioner is proposing to close three parking spaces. Currently, there is a plan being reviewed by the Engineering Division. In addition, the petitioners are required to have commercial general liability insurance policy naming the City of Johnson City, Tennessee, as additional insured". The petitioners have submitted evidence of insurance which is currently being reviewed by the Risk Management Department.

Mr. Neilson stated that the petitioners meet all the other requirements for special exception approval. He then recommended approval of the special exception request conditioned upon the

approval of the sidewalk reconstruction plan by the Engineering Division and the approval of the general liability insurance policy by Risk Management.

Rafael Zabala, owner of One 12 Tipton Street spoke in favor of the request. He indicated that they needed to remove the parking spaces to provided sufficient space for the outdoor dining.

Sean Fleming, owner of the Tipton Street Pub also spoke in favor of the request.

Shannon Castillo of the JCDA also spoke in favor of the request. She indicated that the more people visiting the downtown and eating outside, the better off the Downtown would be.

MOTION: Meroney To approve this special exception request conditioned upon the final design being approved by the Engineering Division and the general liability insurance being approved by the city's Risk Manager.

SECOND: Povlich

VOTE: Approved 5-0.

Case No. 772-2

Mr. Neilson indicated that this was a request to allow the use of the property at 1013 E. Holston as a fellowship hall and to construct a gravel parking lot behind the building at 1015 E. Holston Avenue. The fellowship hall has been in place since 2005 and is retroactively getting approval.

Mr. Neilson indicated that this item was deferred from the last meeting in order to get more information from the City Forester regarding an appropriate buffer against Oakland Avenue. Pat Walding reviewed the site and recommended the planting of Skip Laurel on 5' or 6' centers. However, he was concerned about planting landscaping that far into the right-of-way would create a site distance problem.

The Board also wanted more information regarding the progress traffic calming along East Holston Avenue. He stated that there was a neighborhood meeting and the city and the property owners reached a tentative agreement on the design of the traffic calming and that property owners would soon being going door to door to collect signatures.

He then recommended approval of the request conditioned upon removing the parking from the right-of-way and planting of the Skip Laurels.

Dan Foster spoke in favor of the request. He indicated he was unaware of process to get approval and that there was no intention to do anything wrong. He wanted the additional parking to alleviate the problem along the street. He agreed to do what the forester said, but he wanted to be allowed to have the parking in the right-of-way.

The Board decided to vote separately on the fellowship hall and the gravel parking area.

Sam Watson spoke in favor of the request. He felt that the traffic calming and the buffer was a big help to the process. Also, moving the parking back out of the right-of-way was appropriate.

Anthony Todd, Traffic Engineer gave an overview of the traffic calming process and gave an update from the neighborhood meeting. He stated the boundaries of the East Holston project from from Baxter Street to Broadway.

Mr. Harrell stated that although it could not be part of the motion, it was understood the traffic calming process would continue to go forward.

MOTION: Harrell To approve the special exception to allow the gravel parking lot conditioned upon the moving the gravel out of the right-of-way, providing a buffer recommended by the City Forester, and providing some sort of mountable curb in order to keep the gravel out of the alley.

SECOND: Povlich

VOTE: Approved 3-0-2.

Next the Board reviewed the special exception request for the fellowship hall at 1013 E. Holston Avenue.

Mr. Neilson indicated that it was recently brought to staff attention that the church was using the building at 1013 E. Holston Avenue as a fellowship hall. Since the use of the building began in 2005 it was not grandfathered and required special exception approval by the Board. The fellowship hall is accessory to the sanctuary so no additional parking is required. The city has not received any complaints about the fellowship hall and there has been no negative impact. He then recommended approval of the special exception.

Patricia Oldham spoke in favor of the request.

MOTION: Benedict To approve the special exception conditioned upon any exterior modification to the building which would change its appearance must come back before the Board for approval.

SECOND: Harrell

VOTE: Approved 4-0-1.

Case No. 773-1

This item was moved to the end of the agenda to allow time for the petitioner who was absent to arrive and present his position.

MOTION: Meroney To defer this request until next month to allow the petitioner the opportunity to be present.

SECOND: Povlich

VOTE: Approved 5-0.

There being no further business, the meeting adjourned at 10:15 a.m.

APPROVED:

Jeff Benedict, Chairman
Board of Zoning Appeals