



City of Johnson City Tennessee

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BOARD OF ZONING APPEALS CITY OF JOHNSON CITY, TENNESSEE

Minutes of the Meeting of
September 10, 2013

The Board of Zoning Appeals held its meeting on September 10th at 9:00 a.m. in the City Commission Chambers of the Municipal and Safety Building.

Members Present

Steve Meroney
Jamie Povlich
Tim O'Neill

Staff Present

Steve Neilson, Development Coordinator

The meeting was called to order at 9:00 a.m.

Due to the absence of the Chair and Vice-Chair, the Board selected Mr. Meroney to run the meeting.

Minutes

The Minutes of the August 13th meeting were considered for approval.

MOTION: O'Neill To approve the minutes of the August 13th.

SECOND: Povlich

VOTE: Approved 3-0

Case Number 774-1

This item was deferred until next month to allow the petitioner who was absent an opportunity to speak and present his position.

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

SECOND: Povlich

VOTE: Approved 3-0.

Case Number 774-2

Mr. Neilson indicated that this was a request for a variance to the rear yard setback from 40 feet to 25 feet in order to construct a 5,000 square building at 2705 W. Market Street. He indicated that in the B-4 District, the rear yard setback is 25 feet unless it abuts a residential zoned property, in which case the rear yard setback would be 40 feet. The property in the rear is zoned R-4, Medium Density Residential District and has a single-family residence located on it therefore the setback requirement is 40 feet. He also stated that because there is a single family home on the property, the petitioner is also required to provide a Type 2 buffer to screen the development. Mr. Neilson stated that there was nothing unique about the property. He indicated that the petitioner stated that they need the variance in order to construct a building large enough to make the project feasible. Economics was not a criteria for approving a variance, he then recommended denial of the request.

Ken Richardson, the petitioner's contractor spoke in favor of the request. He indicated that because the property fell off there would be a tall retaining wall which the neighbors would see. He felt that the retaining wall would be an improvement to what is there now.

Dr. Slonaker also spoke in favor of the request. He indicated that this was an area in transition and felt that his proposed building would be an improvement to what is currently there.

Mr. Charles Reifsnyder, an adjoining property owner expressed his concern about the retaining wall and stated he would rather see trees.

The Board also expressed a concern about the appearance of the retaining wall.

MOTION: O'Neill To approve the request with the condition that the required buffer be planted at the foot of the retaining wall and the required fence remain on the top of the wall.

SECOND: Povlich

VOTE: Approved 3-0.

Case Number 774-3

Mr. Neilson indicated that petitioner was requesting special exception approval to construct an outside storage yard at 332 East Springbrook Drive. Outside storage yards are permitted in the B-4 District as a special exception use provided that a Type 1 is planted which screens the storage yard from view of the public street.

He indicated that the petitioner is providing a 15 foot landscape stripe with evergreen trees on 10 foot centers which meets the Type 1 buffer requirements. He stated that the proposed plan met the special exception requirements and he then recommended special exception approval.

MOTION: Povlich To approve the special exception request.

SECOND: O'Neill

VOTE: Approved 3-0.

Case No. 773-1

Mr. Neilson indicated that this request was deferred from last month. The petitioner is requesting a variance to the side yard setback from 7.5 feet to 3 feet in order to construct a garage. The property is located in the Historic Overlay and the petitioner received approval of the design of the building from the Historic Zoning Commission on June 4th.

The petitioner states that there was an accessory structure previously and he was actually moving it away from the property line and making it more conforming. The petitioner did not feel that this would be out of character with the neighborhood because there were several structures in the immediate area that were built right along the side and rear property lines.

This is very similar to the request the Board heard at the June meeting. It is in the older Southside Neighborhood, where the lots are smaller and where many of the properties have accessory buildings built right up on the property line. He stated that in order to justify any variance, a special circumstance or condition must exist. The proposed accessory building is in keeping with surrounding neighborhood, where the lots are smaller and he then recommended approval of the variance request.

Malcolm Blower, the petitioner spoke in favor of the request.

MOTION: Povlich To approve the variance request.

SECOND: O'Neill

VOTE: Approved 3-0.

There being no further business, the meeting adjourned at 9:29 a.m.

APPROVED:

Jeff Benedict, Chairman
Board of Zoning Appeals