

**JOHNSON CITY BOARD OF ZONING APPEALS
MINUTES
June 5, 2018**

Members Present: Dr. Mike Marchioni, Vice-Chairman
Marcy Walker
Robert Thomas

Members Absent: Dr. Stacey Wild, Chairman
Jenny Lockmiller

Staff Present: Venard Asongayi - Development Coordinator, City of Johnson City
Will Righter, Planner, City of Johnson City
Nicole Lawrence - Administrative Coordinator, Development Services

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

Approval of the Agenda for the June 5, 2018 meeting was put forth with a motion to approve by Commissioner Thomas a second by Commissioner Walker. The agenda was approved 3-0.

Approval of the minutes from the May 1, 2018 meeting was put forth with a motion to approve by Vice -Chairman Marchioni with a second by Commissioner Thomas. The minutes were approved 3-0.

New Business:

The first item on the agenda was consideration of a Special Exception to allow the establishment of a pet care business at 3 Charter Ct., Suite B.

Conditions applicable to the establishment of self-service storage buildings in the B-4 District are provided in Section 6.17.3.3 of the Zoning Ordinance. There include: fencing, 200 ft. separation from single family housing or district, including Planned Residential Districts, and limitation of outside keeping of animals to 8:00 am to 10:00 pm.

Staff recommends approval of the Special Exception.

Public Hearing was opened; Petitioner, Randi LaFerry - 405 Sugar Hollow Rd. Piney Flats, Tn. 37686, was present to answer any questions from the Commissioners.

The petitioner expressed that she would have a fence around the back area of the establishment completed prior to a Certificate of Occupancy being issued from the City.

Commissioner Walker put forth a Motion to approve with the condition the fence that is required around the back of the establishment be completed prior to the Certificate of occupancy being issue by the city. Commissioner Thomas gave a second.

Special Exception approved 3-0

The second item on the agenda was the consideration of an Administrative Review, appeal, of the decision of the Chief Building Official of the City of Johnson City requiring that the petitioner vacate or remove the RV that he has located at 3 Camden Ln. being used as a construction office.

The building official asserts that the petitioner, Mr. Goulds was simply living in the RV and did not start construction within 60 days of locating the RV on site. This is in violation of Section 4.14.1B of the Zoning Ordinance.

The following is the timeline of events leading up to the Violation;

- February 1, 2018: Mr. Goulds obtains a building permit from the City of Johnson City to begin construction.
- February 6, 2018: Switch board installed on site.
- February 6, 2018: Site excavation for sewer line extension/subsequent hook up to RV. Site also prepared for RV location with such activity as excavation and laying of gravel. The building official asserts that this marks the beginning of construction as there was site excavation.
- February 8, 2018: RV moved to site. The building official asserts that this marks the beginning of the on-site presence of the construction office (RV).
- April 20, 2018: A Johnson City Codes Enforcement Officer, issues a zoning violation notice to Mr. Goulds, requiring Mr. Goulds to remove his RV from the site because there had been no further construction activity since February 6, 2018 a period of 73 days.
- April 26, 2018: Mr. Goulds closes on the loan in Bank of Tennessee. Mr. Goulds says that he began construction of the house itself only on or after this date as he could not begin construction without ascertaining the availability of the loan.

Public Hearing Opened; Mr. Goulds, the petitioner – 3 Camden Ln. Johnson City Tn. spoke in regards to the information he had received from the Chief Building Official (CBO) Jim Sullivan. Mr. Goulds states he had met with the CBO prior to moving the RV on to the lot and was given the OK by the CBO to do so.

Jim Sullivan – Chief Building Official for the City of Johnson City spoke in regards to his staff issuing the citation and his previous conversations with the petitioner, Mr. Goulds. Mr. Sullivan stated that he had in fact told Mr. Goulds that he could use the RV as a construction trailer while he was building his home. He stated he was aware the petitioner was living in the RV along with his wife. He also stated that after the complaints from the neighbors that there was not any construction happening, a Code Enforcement Officer was sent to the site to investigate. When the Code Enforcement Officer arrived they noted that there had not been any construction performed on the site in excess of 73 days.

Mr. Gould replied stating that due to the high amounts of rain and the hold up in closing on the property with the bank he had been unable to perform construction. Mr. Gould presented letters from the bank stating this.

Commissioner Thomas questioned the CBO that if the petitioner had started his construction within the 60-day period that the code states he must do; would this had been an issue?

CBO – Jim Sullivan replied that he had attempted to help the petitioner out by stating this RV was a construction trailer and that it would not have been an issue had he began work in that 90-day period.

Commissioner Walker questioned the CBO as to why an RV, that you actually sleep in, could be referred to as a construction trailer?

CBO – Jim Sullivan replied that again, he was attempting to help the petitioner out by claiming this as a construction trailer.

Commissioner Walker expressed that she was not at all pleased with such a decision by the CBO, people do not normally sleep in a construction trailer. She also asked, had anyone on staff bothered looking into the neighborhoods covenants before allowing this RV to be placed on the property?

Staff replied that no, no one looked into the neighborhood covenants, this is not a common practice or responsibility of staff to do so.

Commissioner Walker suggested staff begin doing so and if the Code needs to be changed to show that as a part of this process, then this needs to be considered by staff.

The petitioner, Mr. Goulds did state that he is moving right along with his construction at this point and foresees his home being completed in no more than six (6) months. He did

ask the Commission to please consider his appeal due to the fact that by this point he and his wife have nowhere else to go. Renting an apartment would be quite difficult since they do not require to live in it over six (6) months. Most leases are for no less than one (1) year.

Seeing no one else wished to speak; public hearing was closed.

Commissioner Thomas made a motion to approve Mr. Goulds appeal with the condition that construction will be completed in six (6) months from this meeting date (June 5, 2018) and regardless if the home is completed or not the RV must be removed no later than December 5, 2018. Commissioner walker gave a second to the motion.

Appeal Approved with above stated condition 3-0

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

A handwritten signature in black ink, consisting of several loops and a final double vertical stroke at the end.

Dr. Mike Marchioni – Vice-Chairman