MINUTES KINGSPORT BOARD OF ZONING APPEALS (BZA)

Thursday February 7, 2013

NOON
Bob Clear Conference Room, on the first floor of the Development Services Building

MEMBERS PRESENT:
Leland Leonard, Chairman
Frank Oglesby, Vice Chairman
Bob Winstead Jr
Bill Sumner
Diane Hills

MEMBERS ABSENT:
None

STAFF PRESENT:
Karen Combs

VISITORS:
Jessy Frady
Dwayne Powell

Chairman Leonard called the meeting to order.

Chairman Leonard then explained the meeting procedures.

Public Hearing:

Case: 13-701-00001 – Property located at 2400 John B. Dennis Hwy Control Map 47, Parcel 11.30
Requested a special exception use to [Sect.114-191 (c)(7)] in order to locate a church at 2400 John B. Dennis Highway. The property is located in a P-1, Professional Office District that allows a church as a use by special exception from the Board. Mr. Jessy Frady was sworn in by Karen Combs. Mr. Frady presented the case to the Board. In his presentation he stated that his church was looking for permanent home with a small congregation. No changes would be made to the outside of the building. Parking is available and adequate for their needs. No one spoke for or against this item.

Seeing no one else wishing to speak, Chairman Leonard closed the Public Hearing.

Other Business:

Election of Officers was held for 2013.

Frank Oglesby nominated Leland Leonard as Chairman; Bob Winstead Jr seconded. There were no other nominations. The floor was closed and Leland Leonard was voted in as Chairman.

Chairman Leonard called for nominations for Vice Chair. Bob Winstead Jr. nominated Dr. Frank Oglesby with Diane Hills seconding the nomination. The floor was closed and Dr. Frank Oglesby was elected to Vice Chairman.

After some discussion and on a motion by Bill Sumner, the Board voted unanimously to approve the December 6, 2012 minutes as presented.

The BZA stated for the public record the next application deadline on February 15, 2013 at noon and that the next meeting date would be on March 7, 2013.

Adjudication of Case:

Case: 13-701-00001 – Property located at 2400 John B. Dennis Hwy Control Map 47, Parcel 11.30
During discussion of this item it was noted that there was no hardship to the property that would prevent the owner from placing the carport in the rear of the property consistent with the adjacent houses.

PROOF PRESENTED:

1. The property would be uniquely restricted from a reasonable use for the purposes permitted in that zone district.
The Zoning code allows churches in any district as a special exception use and must reviewed by the Board of Zoning Appeals. This review is conducted so that parking and safe traffic flow is ensured.

2. The plight is due to unique circumstances peculiar to the property and not to general neighborhood conditions.
This property has been vacate for quite some time. The use as a Church will fit in nicely with the surrounding area. There are already 2 churches located in the area. Here again the use is permitted upon review by the Board of Zoning Appeals and is not considered in the same regards as a special exception use.

3. The use would not alter the essential character of the area.
There are already two churches near this property. There are two nursing homes as well. This church will not alter the character of the neighborhood.

4. The problem is not self-created.
The problem is not self created. The ordinance requires all churches to come before the Board of Zoning Appeals. This is so the Board may see if parking facilities are adequate and that traffic patterns are safe. Both are present and adequate for this proposal.

MOTION: made by Frank Oglesby; seconded by Bob Winstead – To grant a special exception use to 2400 John B. Dennis Highway in order to locate a church on that property in Suite #3.

VOTE: 4-0 to grant the request as presented because the Board felt that a church was an appropriate use for that property with the existing churches in the area.

With no further business the meeting was adjourned.

Karen B. Combs, Principal Planner