

KINGSPORT BOARD OF ZONING APPEALS AGENDA

Thursday, March 7, 2013

Development Services Building - first floor, Bob Clear Conference Room

CALL TO ORDER – 12:00 P.M. NOON

INTRODUCTION / MEETING PROCEDURES

ADMINISTRATION OF OATH TO PERSONS WISHING TO TESTIFY

PUBLIC HEARINGS:

1. Case: 13-701-00002 – Property located at 2016 East Sevier Avenue Control Map 61L, Group K, Parcel 8 Requests a side yard variance of 5.3 feet to [Sect.114-183 (e)(1)(d)] in order to construct a carport at this location. The property is located in a R-1B, Single Family Residential District that requires an 8 foot side yard setback.

INTERESTED PARTIES:

Owner: Mary Miller
2016 East Sevier Avenue
Kingsport, TN 37664
(423)392-4517
Marymertmiller@yahoo.com

Applicant /Agent: Carol Wellman
2016 East Sevier Avenue
Kingsport, TN 37664
(423)392-4517

Engineer/Architect: Not Known

BUSINESS:

- Approval of the February 7, 2013 minutes.
- Stating for the public record, the next application deadline March 15, 2013 at noon, and meeting date (Thursday, April 4, 2013).
- Staff Reports

ADJUDICATION OF CASES:

ADJOURNMENT:



- River/Anno
- River
- Subdivision Labels
- County Lines
- Hydrography
- Major Parks
- Municipal Boundary
- City Limits
- Kingsport
- Mt Carmel
- Church Hill
- Johnson City
- County Boundary



1.661 miles

March 2013 BZA

MEMORANDUM

TO: KINGSPOINT BOARD OF ZONING APPEALS
FROM: Karen B. Combs, PRINCIPAL PLANNER
DATE: January 15, 2013
RE: 2016 East Sevier Avenue

The Board is asked to consider the following request:

Case: 13-701-00002 – Property located at 2016 East Sevier Avenue Control Map 61L, Group K, Parcel 8

Requests a side yard variance of 5.3 feet to [Sect.114-183 (e)(1)(d)] in order to construct a carport at this location. The property is located in a R-1B, Single Family Residential District that requires an 8 foot side yard setback.

APPLICATION
Board of Zoning Appeals



APPLICANT INFORMATION:			
Last Name	Wellman	First	CAROL
M.I.		Date	
Street Address	2016 E. SEVIER AVE		Apartment/Unit #
City	KINGSFORT	State	TENN
Phone	423-392-4517	ZIP	37664
E-mail Address			

PROPERTY INFORMATION:	
Tax Map Information	Tax map: 61L Group: K Parcel: 8 Lot:
Street Address	See Above
Apartment/Unit #	
Current Zone	R-1B
Variance Request/ Special Exception	5.3ft to side yard
Current Use	Subback - 8ft
Proposed Use	Sect. 114-183(e)(1)(d)

REPRESENTATIVE INFORMATION: Need 5.3ft Var. - 8ft Required			
Last Name	Miller	First	MARY
M.I.		Date	
Street Address	2016 E SEVIER AVE		Apartment/Unit #
City	KINGSFORT,	State	TENN
Phone	423-392-4517	ZIP	37664
E-mail Address	marymectmiller@yahoo.com		

REQUESTED ACTION: APPROVE CONSTRUCTION OF CAR COVER ON EXISTING CONCRETE SLAB ON NORTH SIDE OF GARAGE (EXTENSION OF DRIVEWAY) COVER WILL BE ATTACHED TO EXISTING WALL AND EXTEND 14" TO NORTH AND 20' TO EAST (5' BEYOND SLAB). VARIANCE WILL BE TO SET SUPPORT POSTS ON NORTH SIDE OF SLAB.

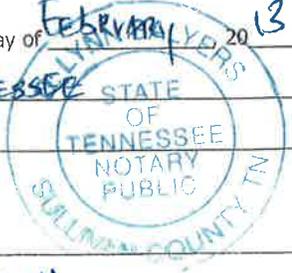
DISCLAIMER AND SIGNATURE

By signing below I state that I have read and understand the conditions of this application and have been informed as to the location, date and time of the meeting in which the Board of Zoning Appeals will review my application. I further state that I am/we are the sole and legal owner(s) of the property described herein and that I am/we are appealing to the Board of Zoning Appeals.

Signature: *Mary Miller* Date: 2/6/13

Signed before me on this 6th day of FEBRUARY, 2013
 a notary public for the State of TENNESSEE
 County of Sullivan

Notary: *[Signature]*
 My Commission Expires 1-26-2014



CITY PLANNING OFFICE

Received Date: 2-11-13

Received By: K

Application Fee Paid: Yes

Board of Zoning Appeals Meeting Date: 3-7-13

Section of Applicable Code: 114-183(e)(1)(d)

Building/Zoning Administrator Signature: *D. Morgan*

Date: 2/15/13

Completed Site Plans Received: N/A

Previous requests or file numbers: NONE

Signature of City Planner: *[Signature]*

Date: 2-15-13

2016 East Sevier Ave



Variance Worksheet – Finding of Facts for:

Case: 13-701-00002 – Property located at 2016 East Sevier Avenue Control Map 61L, Group K, Parcel 8 Requests a side yard variance of 5.3 feet to [Sect.114-183 (e)(1)(d)] in order to construct a carport at this location. The property is located in a R-1B, Single Family Residential District that requires an 8 foot side yard setback.

Variances. Except as provided herein to hear and decide applications for variance from the terms of this chapter, because of exceptional narrowness, shallowness or shape of a specific piece of property which on June 16, 1981, was a lot of record or where, because of exceptional topographic conditions or other extraordinary or exceptional situation or condition of a piece of property, the strict application of this chapter would result in peculiar and exceptional practical difficulties to exception or undue hardship upon the owner of such property, provided that such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this chapter. In granting a variance the board may attach thereto such conditions regarding the location, character and other features of the proposed building, structure or use as it may deem advisable in furtherance of the purposes of this chapter. Before any variance is granted, the board must find all of the following, which shall be recorded, along with any imposed conditions or restrictions, in minutes and records and issued in written form to the applicant to constitute proof of the variance:

a. The specific conditions in detail which are unique to the applicant's land. Such hardship is not shared generally by other properties in the same zoning district and the same vicinity.

b. The manner in which the strict application of this chapter would deprive the applicant of a reasonable use of the land.

c. The unique conditions and circumstances are not the result of actions of the applicant taken subsequent to the adoption or amendment of this chapter.

d. Reasons that the variance will preserve, not harm, the public safety and welfare and will not alter the essential character of the neighborhood.

Further, a variance may be granted only if the Board finds that such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zoning plan and this chapter. Variances shall not be granted permitting an increase in floor area or density above the maximum permitted by the zoning district; allowing a use other than those specifically authorized by this chapter in the applicable zoning district; or from the denial of a zoning permit when such denial is due to the fact that such lot has no frontage on a public street unless such lot was a lot of record on June 16, 1981.

Hardship - There is no definition of a "hardship". Some guidelines, based on legal precedent, for applying the concept of unnecessary hardship are:

1. The premises of cannot be used in a manner permitted by the Zoning Ordinance unless the variance is granted.
2. A strict application of the terms of the Zoning Ordinance precludes its use for any purpose to which the land is reasonably adopted.
3. Inability to put the property to its most profitable use DOES NOT constitute a "hardship".
4. Mere inconvenience to the applicant is not sufficient grounds for determining a "hardship". In granting a variance the BZA may not make any decision that is contrary to the purpose and intent of the Zoning Ordinance.

02/04/13

PROPERTY OWNER – Carol Wellman



2016 E Sevier Ave.

Kingsport, Tenn. 37664

Phone – 423-392-4517

Attached is an application to the Board of Zoning Appeals for a variance approval to construct a car cover on the north side of garage on existing concrete slab. (Variance is to set support posts near property line on north side)

Included: 2 copies of certified survey for 2016 E. Sevier Ave.

Sample of requested car cover from internet site

Picture of area from street

Picture of area from north side

Copy of survey with measurements of concrete slab noted (as well as location of gas meter (HARDSHIP))

2 pictures of existing (similar) car covers in area

List of materials needed

Labor cost to be determined

Two contractors Gilmer Puckett – S. East Aluminum

Donnie Dishner – Larry Dishner

Thanking you in advance for your consideration in this matter.

Board of Zoning Appeals Criteria and Application Requirements

The BZA utilizes the following Criteria in their decisions:

A Special Exception (conditional use) is an infrequent but desirable land use, which must be individually regulated for location and mode of operation due to its nature. The BZA will balance the public need for the specific use with possible adverse impacts upon the surrounding area if the special exception is granted.

Application Requirements of the Petitioner for a Special Exception:

1. Completed Application
2. Provide staff with a drawing/plan of the proposed building with dimensions, parking lots, existing and proposed driveway, required green space and traffic circulation patterns.

When applying for a special exception keep in mind the following and be prepared to answer:

1. What is the use, activities, hours of operation, numbers of anticipated customers and daily vehicles?
2. Are there accessible safe streets for anticipated traffic and adequate parking facilities on site?
3. Does the use and additions if any, fit with the neighborhood architecture aesthetics?
4. Will the use generate excessive noise, traffic, dust, etc.?
5. Is there proper fencing and screening to shield proposed use from existing neighborhood?
6. Are there any undesirable effect upon the neighborhood's physical or environmental conditions or any adverse impacts on the health, safety and welfare of the surrounding area?

**** All requested material must accompany a completed application form before it will be accepted by staff and placed on the Board of Zoning Appeals agenda. All application packets along with a \$50.00 processing fee must be turned into the Kingsport Planning Office before NOON on the 15th of the month prior to the month the item is to be heard by the Board of Zoning Appeals.**

A Variance request to the Zoning Code is another type of case decided by the BZA. The Board is empowered to grant a variance when compliance to a zoning requirement results in difficulties or undue hardships to the applicant.

Variances. Except as provided herein to hear and decide applications for variance from the terms of this chapter, because of exceptional narrowness, shallowness or shape of a specific piece of property

along with a \$50.00 processing fee must be turned into the Kingsport Planning Office before NOON on the 15th of the month prior to the month the item is to be heard by the Board of Zoning Appeals.

Administrative Review is to consider if the Building official, or other administrative official erred in zoning code enforcement or interpretation.

Application Requirements of the Petitioner for an Administrative Review:

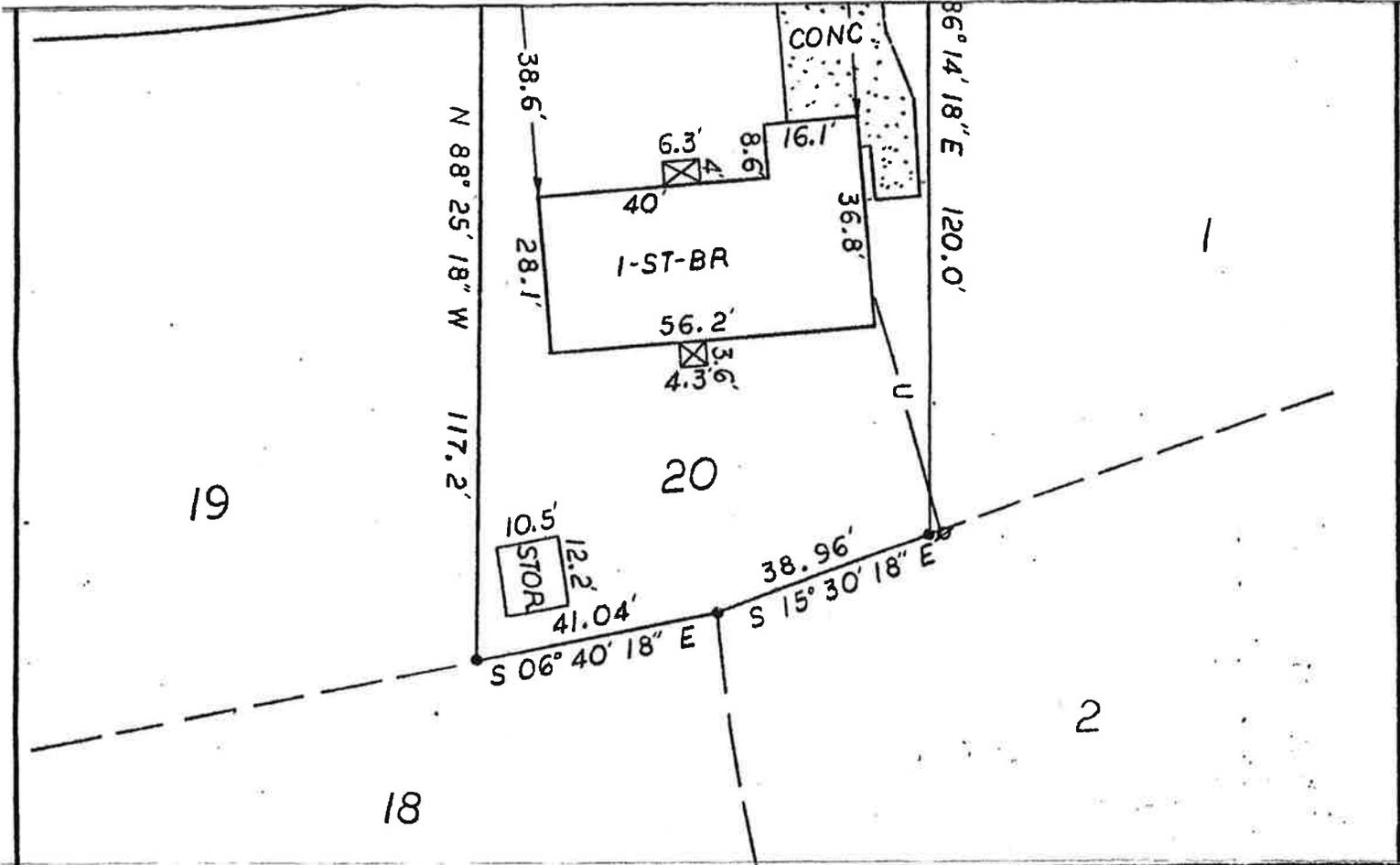
1. Completed Application
2. Provide staff with details of project.
3. The alleged error/interpretation of the Building Official or other city officials regarding Zoning Code and the specific code in question.

**** All requested material must accompany a completed application form before it will be accepted by staff and placed on the Board of Zoning Appeals agenda. All application packets along with a \$50.00 processing fee must be turned into the Kingsport Planning Office before NOON on the 15th of the month prior to the month the item is to be heard by the Board of Zoning Appeals.**

BZA Meeting: The meetings of the Board of Zoning Appeals are open to the general public. Each meeting is advertised in the local paper, the Kingsport Times News at least 10 days prior to the meeting.

The applicant is required to attend the scheduled meeting in which his or her case is heard. The applicant or representative will present the case to the Board of Zoning Appeals. If the applicant or representative is not present at the meeting, the Board may postpone the item until the next scheduled meeting or the Board may deny the request because no one was present to answer questions from the Board or audience members.

Called BZA Meetings: To ask for a called meeting of the BZA; a letter must be submitted to the Planning Division, requesting a called meeting of the Board of Zoning Appeals. The letter must state the reasons why the regular schedule cannot be followed. The Planning Staff will forward the letter to the Chairman of the BZA for a decision. Staff will relay the decision of the Board to the petitioner.



LEGEND

- METAL PIN SET
- METAL PIN FOUND
- U- UTILITY LINES
- ⊕ UTILITY POLE

I hereby certify that this survey was made on the ground and using the latest recorded deed and other information furnished by the title Attorney; that there are no encroachments or projections other than those shown; and that the survey is correct to the best of my knowledge and belief.
THIS BEING A CLASS [A] SURVEY.

Property Does not lie in an designated special Flood Hazard



HALE SURVEYS

Route 14 Box 335
JOHNSON CITY, TENNESSEE 37615
(615) 282-0020

MAP OF

DONALD L. & CAROL C. WELLMAN

SCALE 1"=30'	DISTRICT 11 TH REVISIONS	BY	DATE
DATE 10-29-91	COUNTY SULLIVAN		
DR'N G G	CKD. J H	STATE TN	
AP'VD.	2016 E. SEVIER AVE., KPT.		

LOT-20, BLK-232, GREEN ACRES ADD.
P.B.-4, PG.-197
TAX MAP-61-L, "K", PARC-8

NO. 10-190-91



MAGNETIC NORTH

E. SEVIER AVE.

$R=1303.25'$
 $L=80.0'$

CONC

1-ST-BR

STOR

19

20

2

18

N 88° 25' 18" W 117.2'

S 06° 40' 18" E 41.04'

S 15° 30' 18" E 38.96'

S 86° 14' 18" E 120.0'

38.6'

28.1'

40'

6.3'

8.6'

16.1'

41.5'

36.8'

56.2'

4.3'

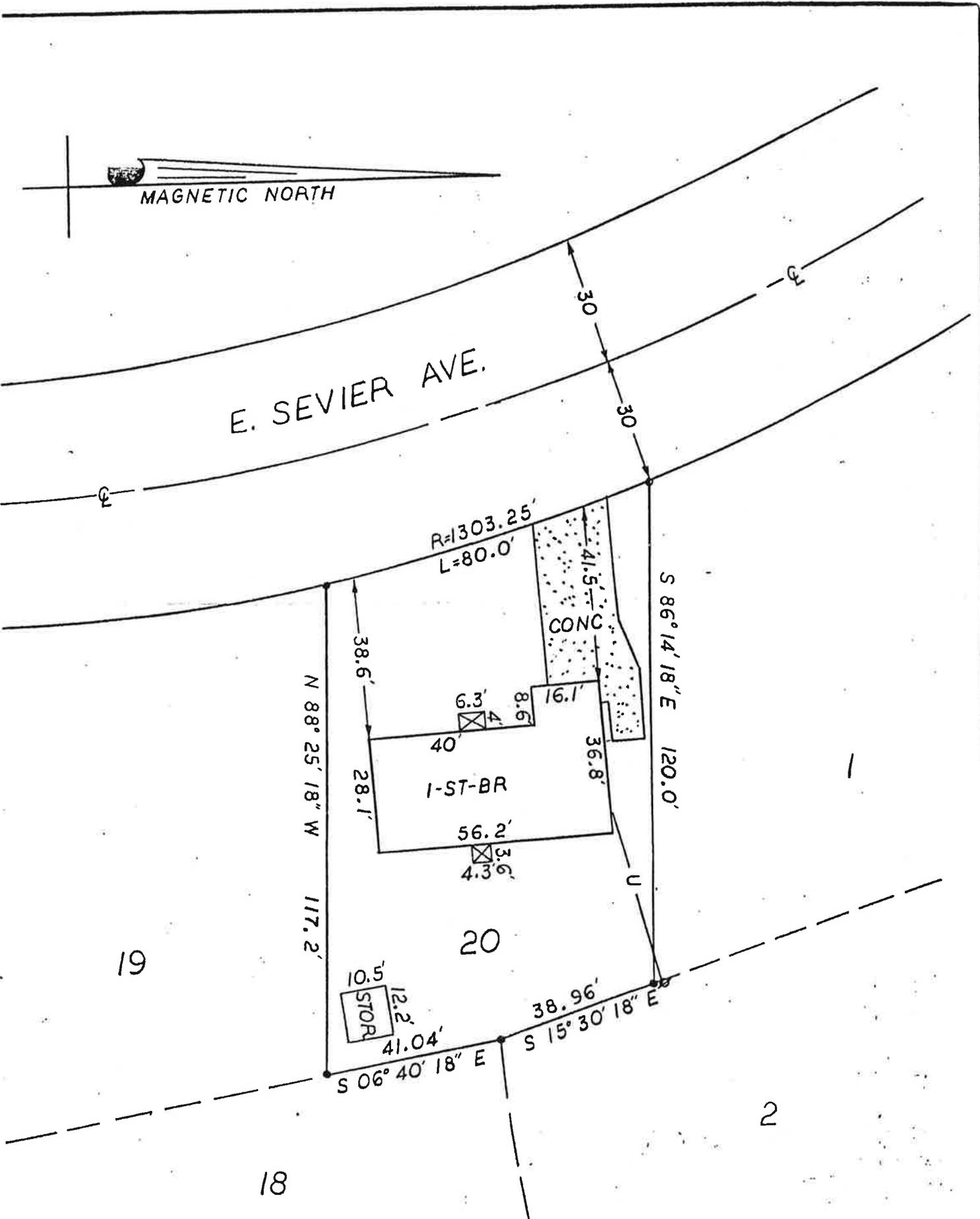
10.5'

12.2'

30

30

3



Sample -
PRINTED FROM INTERNET



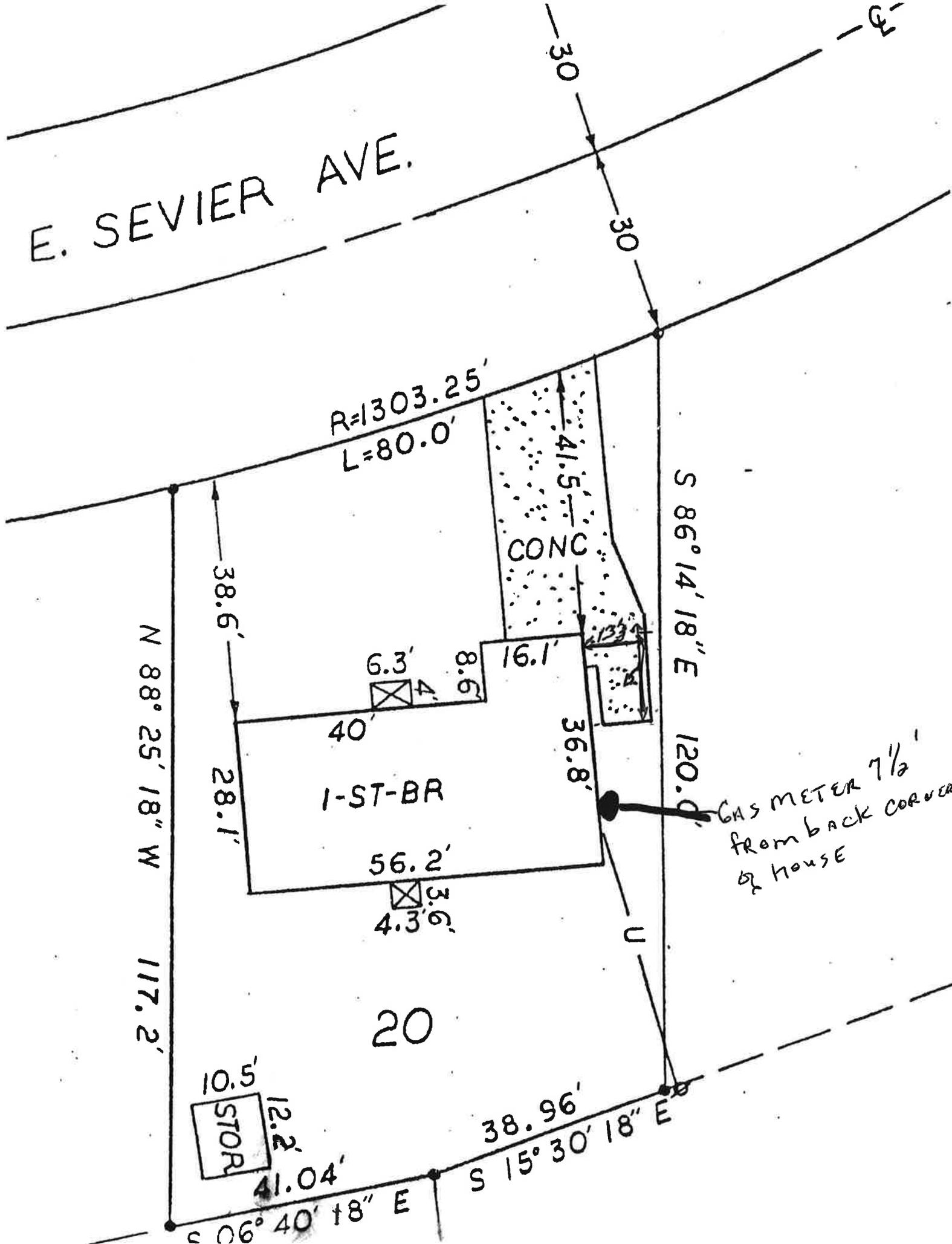
VIEW FROM
STREET
2916 E SEVIER AV





VIEW
from
SIDE
2016 E.
SEVIER
AVENUE

E. SEVIER AVE.



R=1303.25'
L=80.0'

CONC

1-ST-BR

STOR

GAS METER 7 1/2'
from back corner
of house

20

U



1828 OAKWOOD

2009 E. SEVIER AVE

6009

600





QUOTE

Store 0702 KINGSPORT
2000 HARRELL RD
KINGSPORT, TN 37660

Phone: (423) 378-5000
Salesperson: CCS4845
Reviewer:

Home Phone
(423) 392-4517

QUOTE

SOLD TO

Name: **MILLER MARY**

Address: TBA

City: KINGSPORT

State: TN Zip: 37660

Work Phone: (423) 392-4517

Company Name:

Job Description: 14'X20' CARPORT

County: SULLIVAN

2013-02-05 14:43

Prices Valid Thru: 02/12/2013

CUSTOMER PICKUP #1

MERCHANDISE AND SERVICE SUMMARY

REF # W25 SKU # 0000-515-664 Customer Pickup / Will Call

We reserve the right to limit the quantities of merchandise sold to customers

STOCK MERCHANDISE TO BE PICKED UP:

REF #	SKU	QTY	UM	DESCRIPTION	PI	TAX	PRICE EACH	EXTENSION
R02	0000-361-081	3.00	EA	WILLIAMSBURG PORCH POST W/INST KIT / Post	A	Y	\$99.97	\$299.91
R03	0000-209-715	3.00	EA	PB44Z 4"X4" 12GA ZMAX POST BASE /	A	Y	\$10.98	\$32.94
R04	0000-208-230	15.00	EA	H1Z HURRICANE TIE /	A	Y	\$0.84	\$12.60
R05	0000-267-805	2.00	EA	10FT WHT ALUM-GUTTER-HEAVY GAUGE /	A	Y	\$6.67	\$13.34
R06	0000-762-740	2.00	EA	5" ALUMINUM SLIP JOINT -WHITE /	A	Y	\$2.68	\$5.36
R07	0000-268-496	1.00	EA	5" WHT ALUM LEFT END CAP /	A	Y	\$1.54	\$1.54
R08	0000-268-461	1.00	EA	5" WHITE ALUM RIGHT END CAP /	A	Y	\$1.54	\$1.54
R09	0000-468-919	10.00	EA	MILL ALUM HIDDEN HANGER W/SCREW /	A	Y	\$1.81	\$18.10
R10	0000-268-291	1.00	EA	2"X3"ALUMINUM DOWNSPOUT-WHITE /	A	Y	\$9.32	\$9.32
R11	0000-762-639	1.00	EA	5" ALUMINUM END W/DROP /	A	Y	\$6.98	\$6.98
R12	0000-762-673	2.00	EA	2"X3" ALUMINUM A ELBOW-WHITE /	A	Y	\$2.98	\$5.96
R13	0000-192-708	2.00	EA	16D 3-1/2" HOT GALV COMMON 5 LB / Nails	A	Y	\$13.48	\$26.96
R14	0000-247-911	1.00	EA	1-1/2" HOT GALV DIST HANGER 1 LB /	A	Y	\$4.27	\$4.27

*** CONTINUED ON NEXT PAGE ***

NOT VALID

FOR WILL CALL
MERCHANDISE PICK-UP
PROCEED TO WILL CALL OR
SERVICE DESK AREA
(Pro Customers: Proceed To The Pro Desk)

CUSTOMER PICKUP #1

(Continued)

REF #W25

REF #	QTY	UNIT PRICE	DESCRIPTION	STATUS	Y/N	AMOUNT	AMOUNT
R15	3.00	EA	60LB SAKRETE CONCRETE MIX /	A	Y	\$2.98	\$8.94
R16	2.00	EA	2X6-10FT #2 PRIME PT WEATHERSHIELD / <i>Band</i>	A	Y	\$7.57	\$15.14
R17	2.00	EA	2X6-16FT #2 PRIME PT WEATHERSHIELD /	A	Y	\$11.57	\$23.14
R18	11.00	EA	2X6-16FT #2/BTR.KD-HT:SPF / <i>Boffers</i>	A	Y	\$10.55	\$116.05
R19	2.00	EA	2X6-8FT #2 PRIME PT WEATHERSHIELD / <i>Band</i>	A	Y	\$5.77	\$11.54
R20	2.00	EA	2X6-12FT #2 PRIME PT WEATHERSHIELD /	A	Y	\$8.27	\$16.54
R21	20.00	EA	1X4-8FT STRIP / <i>Purlins</i>	A	Y	\$2.07	\$41.40
R22	10.00	EA	SLEEVE ANCHOR 1/2X3 HEX SGL CT /	A	Y	\$1.53	\$15.30
R23	2.00	EA	4X4INX10FT GALV L FLASH-STD GA-EA / <i>Flashing</i>	A	Y	\$9.96	\$19.92
R24	1.00	EA	FLASH MATE SEALANT 10OZ /	A	Y	\$5.57	\$5.57

S/O MERCHANDISE TO BE PICKED UP:		S/O METAL SALES MAN.	REF # S01
S0101	0000-247-360	LF 2290024 MS COLO / 2290024 MS COLOFAST 45 S/O MR PANELS 45 / Mo# A	Y
S0102	0000-246-388	EA 8210124 1"SCREW / 8210124 1"SCREW PAINTED S/O MR TRIMS AND / 8210124 1" painted screws 250per bag	Y
SCHEDULED PICKUP DATE: Will be scheduled upon arrival of all S/O Merchandise			MERCHANDISE TOTAL: \$1,024.03
END OF CUSTOMER PICKUP - REF #W25			

TOTAL CHARGES OF ALL MERCHANDISE & SERVICES

Policy Id (PI):
A: 90 DAYS DEFAULT POLICY.....

'The Home Depot reserves the right to limit / deny returns. Please see the return policy sign in stores for details.'

ORDER TOTAL	\$1,024.03
SALES TAX	\$97.28
TOTAL	\$1,121.31
BALANCE DUE	\$1,121.31

**TOTAL CHARGES OF ALL
MERCHANDISE & SERVICES**

#1

(Continued)

END OF ORDER No. 0702-221756

TERMS AND CONDITIONS

WILL CALL

Will Call items will be held in the store for 7 days. For Will Call merchandise pick up, proceed to Will Call/Service Desk area(Pro Customers, proceed to the Pro Desk).

Returns: A 15% restocking fee applies to the return of regular special orders, i.e., special orders merchandise that is not custom made. Special orders that are custom uniquely designed or fitted to accommodate the requirements of a particular space or environment (some examples are cabinetry, countertops, floor and wall coverings, and window treatments) are non-returnable. Exceptions: Cancellations made by midnight on the third business day after the date of your purchase; merchandise incorrectly ordered by Home Depot or by Professional; or merchandise damaged beyond repair in delivery or by Professional. Unless otherwise specified in this Agreement, all returns must be made within Home Depot's posted time frame.

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