

MINUTES KINGSPORT BOARD OF ZONING APPEALS (BZA)

Thursday April 4, 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:

STAFF PRESENT:

Karen Combs

VISITORS:

Lynn Cole
Robert Darter
Dorathy Clayman
Phillip McManus
Wayne Noal
Brenda Walters
Hank Carr
Ray Blevins
Barbara Fitch

Eric Stidham
William Clayman
Jo Ellen Olinger
Barry Walton
Suzie Noal
Pinky Horton
Lindsey Harris
Katherine Hyde
William Alton

Chairman Leonard called the meeting to order.

Chairman Leonard then explained the meeting procedures.

Chairman Leonard was notified that a petitioner wanted to pull an item for consideration. Mr. McManus addressed the Board and asked that item number 13-701-00005 – Properties located at 1401, 1405 Prospect Street and 1308 Post Street be pulled for consideration at this time. Mr. McManus stated that he was still in negotiations with the church and that this item will be presented at a later date when all information could be presented. Chairman Leonard then pulled the item for consideration and told individuals that were attending the meeting for this item that it would not be heard nor would there be any decision made regarding this item. Those in the audience were free to leave.

Public Hearing:

Case: 13-701-00003 – Property located at 3720 Brandywine Road Control Map 22M, Group F, Parcel 13 Requested a front yard variance of 16 feet to [Sect.114-182 (e)(1)(c)] in order to construct an addition at this location. The property is located in a R-1A, Single Family Residential District that requires an 40 foot front yard setback. Mr. Eric Stidham was sworn in by Karen Combs. Mr. Stidham presented the case to the Board. In his presentation he stated that he wanted to construct an addition onto the existing house. Mr. Stidham told the Board the due to steep topography the addition could not be placed in the rear of the house. The Board noted that the house sat on a cul-de-sac and the addition would

be permitted without any variance if the right-of-way were straight and not curved. No one spoke for or against this item.

Case: 13-701-00004 – Property located at 1455 East Center Street Control Map 61C, Group C, Parcel 2.00 Requested a variance to [Sect.114-600 (d)(2)] in order to use the required perimeter landscaping strip for parking at this location. The property is located in a B-3, General Business District that requires a 10 foot landscaped strip on the perimeter of property abutting a public street. Mr. Phillip McManus was sworn in by Karen Combs. Mr. McManus presented the case to the Board. Mr. McManus told the Board that this property was unique in that it fronted two public roads. The main entrance facing Center Street with the property extending to Waverly Road; Mr. McManus asked the Board for a variance to the landscaping (ten foot buffer) on the Waverly Road side so that parking could be used. This road is a minor roadway. Also during the discussion, staff pointed out that the parking ratio was not met by the design presented. Mr. McManus also requested a variance on the number of parking spaces required for the size of the building he proposed stated that the second floor would be used for storage and a break room with no commercial sales. No one spoke for or against this item.

Case: 13-701-00006 – Property located at 2300 Pavilion Drive Control Map 47A, Group , Parcel 28.60 Requested a Special Exception as allowed in [Sect.114-191(c)(2)] to establish a skilled nursing home facility (nursing home) in a P-1, Professional Office District. Ms. Lindsey Harris was sworn in by Karen Combs and presented the case to the Board. In her presentation she stated that Mountain States Health Alliance would like to use an old building on their compound for a skilled nursing health facility. The old use was also medical but specifically was used as a psychiatric ward and under the special exception use the specific use had changed. She presented a plan in which a small addition would be constructed but the main part of the building would remain the same. Parking was adequate. Mr. Ray Blevins spoke to clarify that the facility was not a drug treatment center but a facility that would help individuals recover from physical traumas. He stated that it was similar to a nursing home facility for individuals that needed care but were not eligible for a hospital setting and were too injured to be on their own a home. Hank Carr also spoke in favor of this item. No one spoke against this item.

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

Other Business:

On a motion by Diane Hills, the Board voted unanimously to approve the March 7, 2013 minutes as mailed.

The BZA stated for the public record the next application deadline on April 15, 2013 at noon and that the next meeting date would be on May 2, 2013.

Staff had no report this month. The Board did ask if there had been any progress on the Planned Development Ordinance and Sign Ordinance. Staff stated that the Planned Development Ordinance amendment would be going to the Planning Commission in April. Staff said that a copy of that ordinance would be placed in the Board's April agenda packet for their review but that no action from this Board was required. Staff also stated that the sign ordinance was in the City Attorney's office for legal review. The Board asked if staff had addressed the issues brought by this Board in that amendment. Staff related that they had indeed addressed the issues concerning this Board in the amendment but that we needed legal's approval to carry the amendment forward.

Adjudication of Cases:

Case: 13-701-00003 – Property located at 3720 Brandywine Road Control Map 22M, Group F, Parcel 13

During discussion of this item it was noted that the property did have steep topography in the rear that limited the placement of the addition and had a cul-de-sac in the front that threw the addition out of compliance with the front yard setback.

MOTION: made by Bill Sumner; seconded by Bob Winstead – To grant a variance of 16 feet to the front yard setback on property located at 3720 Brandywine Road.

VOTE: 4-0 to grant the request as presented because of topographical conditions and the presence of the cul-de-sac.

Case: 13-701-00004 – Property located at 1455 East Center Street Control Map 61C, Group C, Parcel 2.00

After a long discussion concerning the roadway and parking issues, the Board decided to give a variance to the landscaping requirement on the side fronting Waverly Road due to the limited traffic and the fact that no other property fronting that road had adhered to this requirement. The parking ratio was discussed at length. Since the Owner stated the second floor would not be used as retail and just for storage, the Board decided to grant a variance for the number of parking spaces limited the requirement to a one story building.

MOTION: made by Bill Sumner; seconded by Bob Winstead – To grant a variance to the landscaping requirement of 10ft buffer strip abutting a public road on the Waverly Road side of the property located at 1455 East Center Street.

VOTE: 4-0 to grant the request as presented.

MOTION: made by Frank Oglesby; seconded by Bill Sumner – To grant a variance of 31 parking spaces bringing the number of required spaces for a drug store located on the property located at 1455 East Center Street to 46 spaces.

VOTE: 4-0 to grant the request as presented.

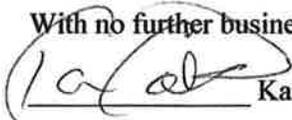
Case: 13-701-00006 – Property located at 2300 Pavilion Drive Control Map 47A, Group, and Parcel 28.60

A brief discussion was held on way this item was brought to the Board again, if the property already had a special exception use permit. Staff related to the Board that a special exception use permit was not like a variance in that the permit does not run with the property forever and that when the specific use changes the petitioner must reapply to the Board. Staff felt that this item was really a housekeeping matter but to err on the side of caution we brought the use back to the Board for review.

MOTION: made by Diane Hills; seconded by Bob Winstead – To grant the special exception use of a skilled nursing facility on property located at 2300 Pavilion Drive.

VOTE: 4-0 to grant the request as presented.

With no further business the meeting was adjourned.

 Karen B. Combs, Principal Planner

MINUTES KINGSPORT BOARD OF ZONING APPEALS (BZA)

Thursday April 4, 2013

10:30 a.m.

Tour of property at 1455 East Center Street

MEMBERS PRESENT:

**Leland Leonard, Chairman
Frank Oglesby, Vice Chairman
Bill Sumner
Diane Hills**

MEMBERS ABSENT:

Bob Winstead Jr

STAFF PRESENT:

Karen Combs

Chairman Leonard, Vice Chairman Oglesby and Board Members Sumner and Hills visited the site at 1455 East Center Street. The Board members took the concept plan with them and studied the parking ration issues. There was no discussion concerning this case. The Board drove through the neighborhood in the rear of the property looking at the next case regarding a parking lot in the residential zone. The Board then drove to have lunch at Henry's restaurant, no items were discussed. The Board arrived at the Development Services building for the scheduled meeting at noon.



Karen B. Combs, Principal Planner