

MINUTES KINGSPORT BOARD OF ZONING APPEALS (BZA)

Thursday May 3, 2012

NOON

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

MEMBERS PRESENT:

Frank Oglesby, Vice Chairman
Diane Hills
Bob Winstead Jr

MEMBERS ABSENT:

Leland Leonard, Chairman
Bill Sumner

STAFF PRESENT:

Karen Combs
Lynn Tully

VISITORS:

John Whitten

Ken Bates

Vice Chairman Olgesby called the meeting to order.

Vice Chairman Olgesby then explained the meeting procedures. Those wishing to testify were sworn in.

Public Hearing:

Case: 12-701-00002 – Property located at 128 Old Mill Ct; Control Map 630, Group C, Parcel 31.00 Requested variance of 3 feet 9 inches on one side yard to [Sect.114-196.(e)(1)(d)] in order to construct a covered and screened deck in a R-1B Single Family Residential District. The code requires an 8foot side yard setback. Mr. Whitten presented the case to the Board. In his presentation, discussion ensued on the irregular shape of the lot and how the roof will be the same pitch and made of the same materials as the existing roof. Vice Chairman Olgesby clarified as to how the deck would be enclosed. Staff received no phone calls on this item. No one spoke for or against this item. The Board heard the next case.

Case: 12-701-00003 – Property located at 1220 Tuscany Way; Control Map 78A, Group E, Parcel 00100 Requested variance of 8 feet to the periphery yard requirement [Sect.114-196.(e)(1)(d)] in order to construct a single family house in a PD, Planned Development District. The code requires a 30 foot undeveloped periphery yard surrounding the district. Mr. Bates presented the case to the Board. In his presentation he stated that he had made a mistake and forgot about the 30 foot periphery yard boundary. He was used to building the houses on the inside where the boundary is not a requirement. It was also noted that staff had previously approved the footers for this house and that Mr. Bates had received a building permit. The error was brought Mr. Bates' attention when the house next to the house in question was sold and the bank required a survey. The surveyor contacted Mr. Bates and he then contacted the City. Staff received several phone calls on this item with one of them being the neighbor that directly backs up to the house in question. She has no problems with the placement of this house. The other phone calls were inquiries in nature and no one had an issue for this house but stated that they would not like to

see a variance for the whole development. No one spoke for or against this item at the meeting. (**Note: the public hearing was suspended to give Mr. Bates time to produce a survey for the property. At this time the Board adjudicated Case number 12-701-00002 and held the business portion of the meeting**). Vice Chairman Olgesby reopened the public hearing and Mr. Bates could not produce a survey as requested so the Board proceeded to table the item until the June 7th meeting. This motion was made by Bob Winstead and seconded by Diane Hills.

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

Other Business:

On a motion by Diane Hills, the Board voted unanimously to approve the April 5, 2012 minutes as mailed.

The BZA stated for the public record the next application deadline on May15, 2012 at noon and that the next meeting date would be on June 7, 2012.

Staff reported to the Board that Jason Meredith was promoted to Senior Planner.

Adjudication of Case:

Case: 12-701-00002 – Property located at 128 Old Mill Ct; Control Map 630, Group C, Parcel 31.00 There was a brief discussion concerning shape of the lot and the materials and manner in which the roof and deck would be constructed.

PROOF PRESENTED:

1. 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. *This lot is irregular in shape with a very narrow rear yard so placement of the deck would be a hardship in the rear.*
2. The manner in which the strict application of this chapter would deprive the applicant of a reasonable use of the land.
With the shape of the lot, a deck could not be covered and used as intended without a variance.
3. The unique conditions and circumstances are not the result of actions of the applicant taken subsequent to the adoption or amendment of this chapter.
The boundaries of the lot were set by the original developer with the placement of the houses and are unique to this property. These circumstances were not result of any action taken by the applicant.
4. Reasons that the variance will preserve not harm the public safety and welfare and will not alter the essential character of the neighborhood.
There are existing screened decks in the neighborhood. The improved deck will be attached to the house improving the safety of the structure.

MOTION: made by Bob Winstead; seconded by Diane Hills – To approve a request as presented and allow a 3 foot 9 inch side yard variance in order to construct a screened in deck with the

following conditions: 1. The Pitch of the new roof is the same as the existing roof on the house. 2. The materials and shingles match the existing house in material and color.

VOTE: 3-0 to grant the variance request as presented with conditions.

Case: 12-701-00003 – Property located at 1220 Tuscany Way; Control Map 78A, Group E, Parcel 00100

MOTION: made by Bob Winstead; seconded by Diane Hills – To table the request until the May 5, 2012 meeting to allow Mr. Bates time to present to the Board a survey for their review.

VOTE: 3-0 to table request.

_____ Karen B. Combs, Principal Planner