

MINUTES KINGSPORT BOARD OF ZONING APPEALS (BZA)

Thursday June 6, 2013

NOON

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

MEMBERS PRESENT:

Leland Leonard, Chairman
Bill Sumner
Diane Hills

MEMBERS ABSENT:

Frank Oglesby, Vice Chairman
Bob Winstead Jr

STAFF PRESENT:

Karen Combs

VISITORS:

Uwe Rothe

Chairman Leonard called the meeting to order.

Chairman Leonard then explained the meeting procedures.

Public Hearing:

Case: 13-701-00010 – Property located at 1645 East Stone Drive Control Map 46L, Group A, Parcel Lot 15.20 Requested a 10 foot 6 inch variance to [Sect.114-1195(f) (1)(e)] in order to construct a restaurant at this location. The code requires a 30 foot rear yard setback. Mr. Uwe Rothe was sworn in by Karen Combs. Mr. Rothe stated that he was the architect for the project and presented the case to the Board. In his presentation he stated that Popeye's restaurant wanted to redevelop the site. He stated that it was impossible to remodel the existing building and it would have to be removed. He explained that several options were explored with the request for the rear yard setback being the least relief needed to move the project forward. Board member Bill Sumner asked if the new structure could be moved forward towards Stone Drive. Mr. Rothe stated that a variance would have been requested as well and that his client felt that the variance in the rear of the property would be less noticeable. No one spoke for or against this item.

Other Business:

On a motion by Diane Hills, the Board voted unanimously to approve the April 4, 2013 minutes as amended.

The BZA stated for the public record the next application deadline on June 17, 2013 at noon. Since the next scheduled meeting (July 4) fell on a holiday; the Board requested that the meeting date moved to July 11, 2013 only if staff received items prior to noon on June 17, 2013. If no items are received by noon on June 17, 2013, the meeting would be cancelled and the Board would next meet on their scheduled meeting date on August 1, 2013.

Staff had no reports.

Adjudication of Cases:

Case: 13-701-00010 – Property located at 1645 East Stone Drive Control Map 46L, Group A, Parcel Lot 15.20

Requested a 10 foot 6 inch variance to [Sect.114-1195(f) (1)(e)] in order to construct a restaurant at this location. The code requires a 30 foot rear yard setback.

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 a narrow lot with an extremely steep slope in the rear of the property. The City of Kingsport has new sidewalk requirement placed in the ordinance outside of zoning and the Board cannot grant a variance on this requirement. Therefore limited the Board's ability to grant relief to this applicant.*

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 and new ordinances in which the Board cannot grant relief, this variance is required for the construction of the structure.

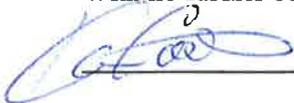
3. The unique conditions and circumstances are not the result of actions of the applicant taken subsequent to the adoption or amendment of this chapter.
The slope and sidewalk ordinance were not a result of any action taken by the applicant.

4. Reasons that the variance will preserve not harm the public safety and welfare and will not alter the essential character of the neighborhood.
The variance as requested will not alter the essential character of the front of the structure along Stone Drive. Due to the slope of the property and the configuration of the new building it will improve the look of an existing structure that was not in compliance. Though a variance is granted, it will appear that the new structure is further away from the property line than current non compliant structure.

MOTION: made by Bill Sumner; seconded by Diane Hills – To grant the variance of 10feet six inches to the rear yard setback as requested.

VOTE: 3-0 to approve the request as presented because there was there were topographical issues and the variance would have no impact on the existing parking lot located behind this property. Chairman Leonard also pointed out that the existing building was not in compliance with the zoning code and staff could not find any records that a variance was ever requested or granted. The existing building was constructed in 1985 after zoning was established.

With no further business the meeting was adjourned.



Karen B. Combs, Principal Planner

MINUTES KINGSPORT BOARD OF ZONING APPEALS (BZA)

Thursday June 6, 2013

10:30 a.m.

Tour of property at 1455 East Center Street

MEMBERS PRESENT:

Bill Sumner

Diane Hills

MEMBERS ABSENT

STAFF PRESENT:

Karen Combs

Board Members Hills and Sumner visited the site on the agenda. During the drive to 1645 East Stone Drive, we discussed how we could drive by Eastman in honor of Vice Chair Oglesby. Diane Hills decided to go another route since she was driving. The members toured the property. The Board members decided to go to the Cheddars for lunch, no items were discussed. The Board arrived at the Development Services building for the scheduled meeting at noon where Chairman Leonard was waiting in the conference room.



Karen B. Combs, Principal Planner