

## MINUTES KINGSPORT BOARD OF ZONING APPEALS (BZA)

Thursday July 25, 2013

NOON

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

**MEMBERS PRESENT:**

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

**MEMBERS ABSENT:**

**STAFF PRESENT:**

Karen Combs

**VISITORS:**

Ricky Reed  
Larry Osborne

Joe Begley  
Leon Dunn

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Chairman Leonard called the meeting to order.

Chairman Leonard then explained the meeting procedures.

**Public Hearing:**

Case: 13-701-00014 – Property located at 1702 East Center Street Control Map 61D, Group B, Parcel 37.00 Requests a 9 foot side yard variance to the west side and a 2 foot side yard variance to the east side to [Sect.114-187(e)(1)(d)] in order to construct a structure at this location. The property is zoned R-4. The code requires a 15 feet on the west side yard and 10 feet side yard setback on the east side due to one side yard fronting a public street. Staff explained the difference between the two side yard setbacks by stating that the west side abutted a public street the setback was a side and half on that side of the yard. Mr. Leon Dunn was sworn in by Karen Combs. Mr. Dunn presented the case to the Board. In his presentation he stated that that the lot was only 48 feet wide at the point he needed to set the structure. The lot lines are not straight and do move in before widening back out at the alley according to the survey provided. The Board verified that 9feet on the west and 2 feet on the east would allow the structure to be set on the lot in some orderly fashion. Mr. Osborne spoke in favor of this item.

Seeing no one else wishing to speak on this item, Chairman Leonard closed the public Hearing for this item.

Case: 13-701-00015 – Property located at 2610 Halifax Drive Control Map 45H, Group D, Parcel 54.00, Lot 8 Requests a 6 foot front yard variance t to [Sect.114-187(e)(1)(d)] in order to bring an established structure into compliance at this location. The property is zoned R1-B. The code requires a 30 foot front yard setback. Mr. Ricky Reed was sworn in by Karen Combs. Mr. Reed presented the case to the Board. In his presentation, Mr. Reed stated that the owners would like to sell an existing house that is not in compliance with the current zoning ordinance and is 6 feet in the front yard setback. Chairman Leonard corrected Mr. Reed and stated that he needs a 6.8 foot variance to bring the house into

compliance. Staff stated that when this house was built the inspector did not catch the infraction and that the house had been sold on several times since construction. Mr. Reed noted that the banks had disclosed the issue in the past but with new regulations it is now difficult to sell without bringing it into compliance. No one spoke for or against this item. Chairman Leonard closed the public Hearing for this item.

**Adjudication of Cases:**

**Case: 13-701-00014 -- Property located at 1702 East Center Street Control Map 61D, Group B, Parcel 37.00**

**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. *The survey confirmed that the lot does not meet today's standard. However, it is a lot of record and a building permit cannot be denied.*

2. The manner in which the strict application of this chapter would deprive the applicant of a reasonable use of the land.  
*This lot is very narrow and was drawn that way in its original subdivision.*

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 lot is existing and is a lot of record.*

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 neighborhood. There are existing manufactured homes on the small lots surrounding this one. The site is currently vacant and requires mowing on a weekly basis.*

**MOTION:** made by Bob Winstead; seconded by Bill Sumner– To grant the variance of 9 feet to west side of the property facing Highland Avenue and 2 feet on the East side yard as requested.

**VOTE:** 4-0 to approve the request as presented because the variance would have no impact on the existing area and the lot is exceptionally narrow.

**Case: 13-701-00015 – Property located at 2610 Halifax Drive Control Map 45H, Group D, Parcel 54.00, Lot 8**

The Board discussed if the request would allow enough room to achieve what the petitioner wanted. After many versions of mathematical equations were review, it was decided that 7 feet would allow for the structure as requested.

**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 contains a building that was approved by the building inspector. The building inspector did not correct the issue at that time and allow the building to complete construction.*

2. The manner in which the strict application of this chapter would deprive the applicant of a reasonable use of the land.  
*To remove part of an existing structure that was previously approved by the City would be unfair and an eyesore to the neighborhood.*

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 City approved the structure and it was later that the City was notified that the inspector was incorrect.*

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 neighborhood as no new construction is requested.*

**MOTION:** made by Diane Hills; seconded by Bob Winstead– To grant the variance of 7 feet to the front yard setback as amended.

**VOTE:** 4-0 to approve the request as presented because the variance would have no impact on the existing area and the City had previously approved the structure, therefore the owner should be held harmless.

With no further business the meeting was adjourned.



Karen B. Combs, Principal Planner