

CALLED MEETING
KINGSPORT BOARD OF ZONING APPEALS AGENDA

Thursday, July 25, 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 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.

INTERESTED PARTIES:

Owner: Larry Osborne/Leon Dunn
P.O. Box 768
Blountville, TN 37617
(423) 914-2380
Wldunn30@yahoo.com

Applicant /Agent: Same as Above

Engineer/Architect: Unknown

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.

INTERESTED PARTIES:

Owner: Damon Hollis
2610 Halifax Drive
Kingsport, TN 37660

Applicant /Agent: Ricky Reed
333 Lynn Garden Drive
Kingsport, TN 37660
(423) 677-7541
reedricky@gmail.com

Engineer/Architect: Unknown

ADJUDICATION OF CASE:

ADJOURNMENT:

MEMORANDUM

TO: KINGSFORT BOARD OF ZONING APPEALS
FROM: Karen B. Combs, PRINCIPAL PLANNER
DATE: July 10, 2013
RE: 1702 East Center Street

The Board is asked to consider the following request:

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.

APPLICATION
Board of Zoning Appeals



APPLICANT INFORMATION:			
Last Name <u>Dunn</u>	First <u>Leon</u>	M.I.	Date <u>6-28-13</u>
Street Address <u>P.O. Box 768</u>		Apartment/Unit #	
City <u>Blountville</u>	State <u>TN</u>	ZIP <u>37617</u>	
Phone <u>423-914-2380</u>	E-mail Address <u>WLDunn30@yahoo.com</u>		
PROPERTY INFORMATION:			
Tax Map Information	Tax map: <u>610</u> Group: <u>B</u> Parcel: <u>37</u> Lot:		
Street Address <u>1702 E. Center</u>		Apartment/Unit # <u>W45</u>	
Current Zone <u>R-4</u>	Variance Request/ Special Exception <u>9ft. Side yard variance</u>		
Current Use <u>Vacant</u>	Proposed Use - <u>Single Family</u> <u>2.5 ft. Side yard variance - east</u>		
REPRESENTATIVE INFORMATION:			
Last Name <u>Same as Above</u>	First	M.I.	Date
Street Address		Apartment/Unit #	
City	State	ZIP	
Phone	E-mail Address		
REQUESTED ACTION:			
<u>9ft side yard on west side & 2ft. on east side</u>			
<u>sect. 114-187(e)(1)(d)</u>			
<u>Zoned R-4 with 10ft side yard & side & half on side facing P. Street.</u>			
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: <u>Larry A. Osborne</u>		Date: <u>6/28/13</u>	
Signed before me on this <u>28</u> day of <u>June</u>			
a notary public for the State of <u>Tennessee</u>			
County of <u>Sullivan</u>			
Notary <u>Karen Bailey Combs</u>		My Comm. Expires <u>March 1, 2017</u>	

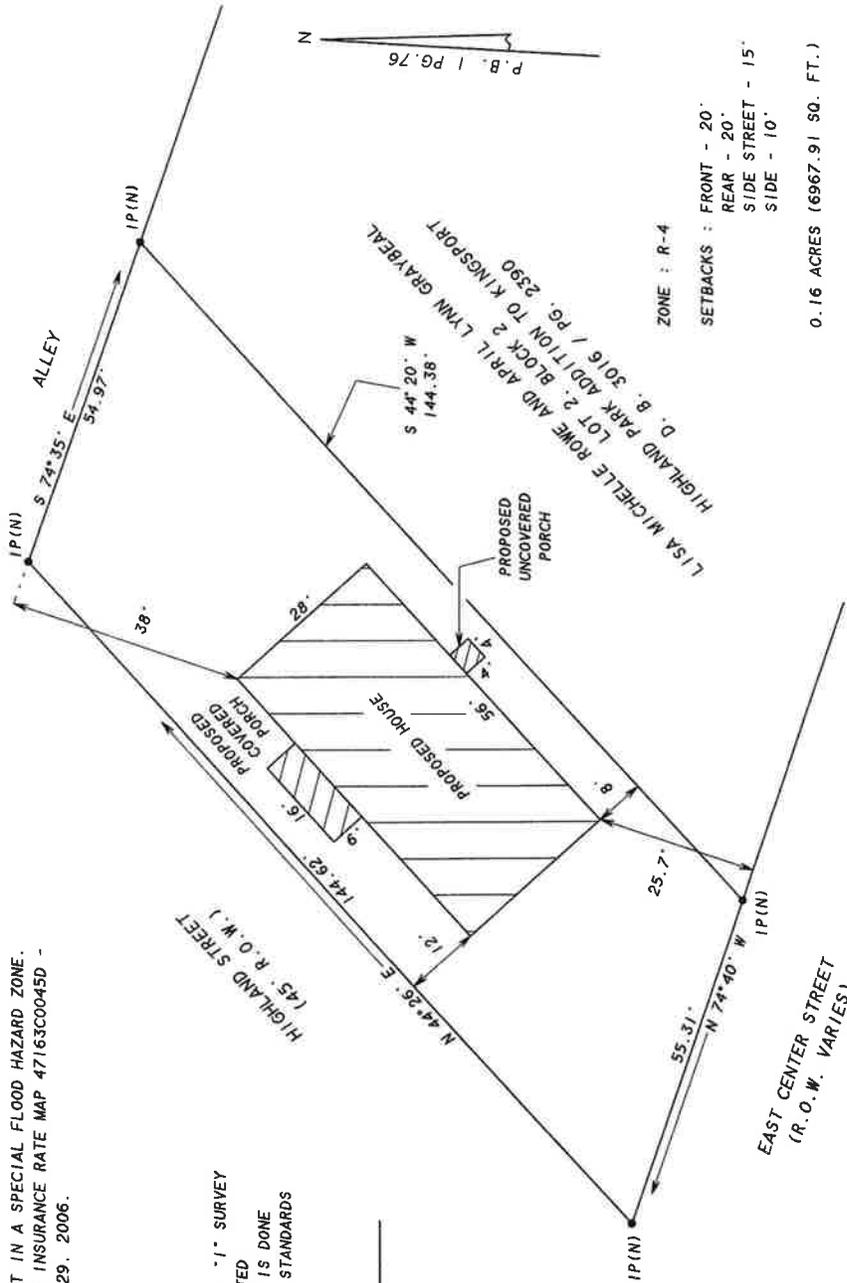
NOTE #1 : THIS SURVEY WAS DONE WITHOUT THE BENEFIT OF A TITLE REPORT AND, THEREFORE, MAY NOT INCLUDE ALL EASEMENTS, SERVITUDES AND COVENANTS THAT SUCH A REPORT MIGHT REVEAL.

NOTE #2 : THE PROPERTY AS SHOWN IS NOT IN A SPECIAL FLOOD HAZARD ZONE. REFERENCE ZONE "X" ON FLOOD INSURANCE RATE MAP 47163C0045D - EFFECTIVE DATE : SEPTEMBER 29, 2006.

"I HEREBY CERTIFY THAT THIS IS A CATEGORY "1" SURVEY AND THE RATIO OF PRECISION OF THE UNADJUSTED SURVEY IS 1" - 11,600 AS SHOWN HEREON AND IS DONE IN COMPLIANCE WITH THE "TENNESSEE MINIMUM STANDARDS OF PRACTICE."

Rick A. Davies

RICK A. DAVIES - SURVEYOR
TENN. REG. NO. 1573



ZONE : R-4
SETBACKS : FRONT - 20'
REAR - 20'
SIDE STREET - 15'
SIDE - 10'

0.16 ACRES (6967.91 SQ. FT.)

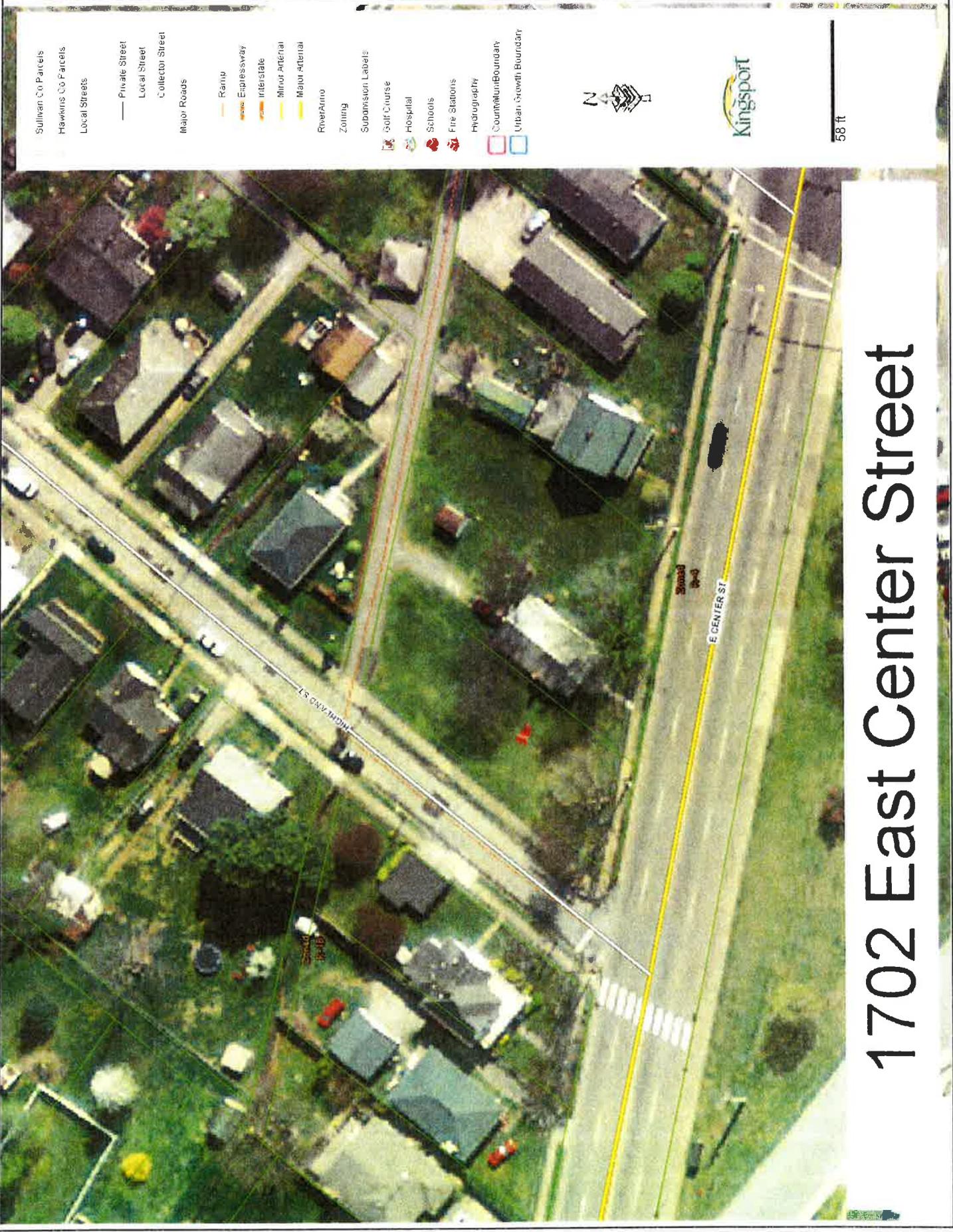
TAX MAP 61-D, PARCEL B-37.00
DEED BOOK 3016, PAGE 2390

PLAT SHOWING PROPERTY OF :			
LISA MICHELLE ROWE AND APRIL LYNN GRAYBEAL			
LOT 1, BLOCK 2: HIGHLAND PARK ADDITION TO KINGSFORT: KINGSFORT: 11TH CIVIL DISTRICT: SULLIVAN COUNTY, TENNESSEE			
DRAWN BY	SCALE	DATE	DRAWING NUMBER
M. R. D.	1" = 20'	6-26-13	B-2904 / LEON2



LEGEND
● IP(N) 1/2 - 1/2 INCH REBAR - NEW W/CAP "DAVIES"

DAVIES LAND SURVEYING
P.O. BOX 152
BLUFF CITY, TN 37618
423-538-8855



1702 East Center Street

Sullivan Co Parcels
Hawkins Co Parcels
Local Streets

— Private Street
Local Street
Collector Street
Major Roads

Rain
Expressway
Interstate
Minor Arterial
Major Arterial
River/Arroyo

Zoning
Submission Labels

Golf Course
Hospital
Schools
Fire Stations

Hydrography
County/Incorporated Boundary
Urban Growth Boundary



58 ft

Variance Worksheet – Finding of Facts for:

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.

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.**

MEMORANDUM

TO: KINGSFORT BOARD OF ZONING APPEALS
FROM: Karen B. Combs, PRINCIPAL PLANNER
DATE: July 10, 2013
RE: 2610 Halifax Drive

The Board is asked to consider the following request:

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.114-183(e)(1)(c)] 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.

APPLICATION
Board of Zoning Appeals



APPLICANT INFORMATION:			
Last Name <u>Hollis</u>	First <u>Damon</u>	M.I.	Date <u>7/3/2013</u>
Street Address <u>2610 Halifax Dr.</u>		Apartment/Unit #	
City <u>Kingsport</u>	State <u>TN</u>	ZIP <u>37660</u>	
Phone	E-mail Address		

PROPERTY INFORMATION:			
Tax Map Information	Tax map: <u>45H</u> Group: <u>D</u> Parcel: <u>54</u> Lot:		
Street Address <u>Same As Above</u>		Apartment/Unit #	
Current Zone		Variance Request/ Special Exception	
Current Use		Proposed Use	

REPRESENTATIVE INFORMATION:			
Last Name <u>Reed</u>	First <u>Ricky</u>	M.I.	Date <u>7/3/2013</u>
Street Address <u>333 Lynn Garden Dr. (Blue Ridge Properties)</u>		Apartment/Unit #	
City <u>Kingsport</u>	State <u>TN</u>	ZIP <u>37660</u>	
Phone <u>423-677-7541</u>	E-mail Address <u>reedricky@gmail.com</u>		

REQUESTED ACTION:
<u>Requesting 6 foot front yard variance for an established building.</u>
<u>Zoned R-1B Requires 30ft front yard setback</u>

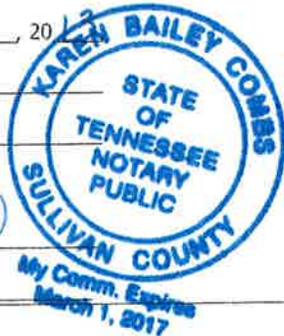
DISCLAIMER AND SIGNATURE

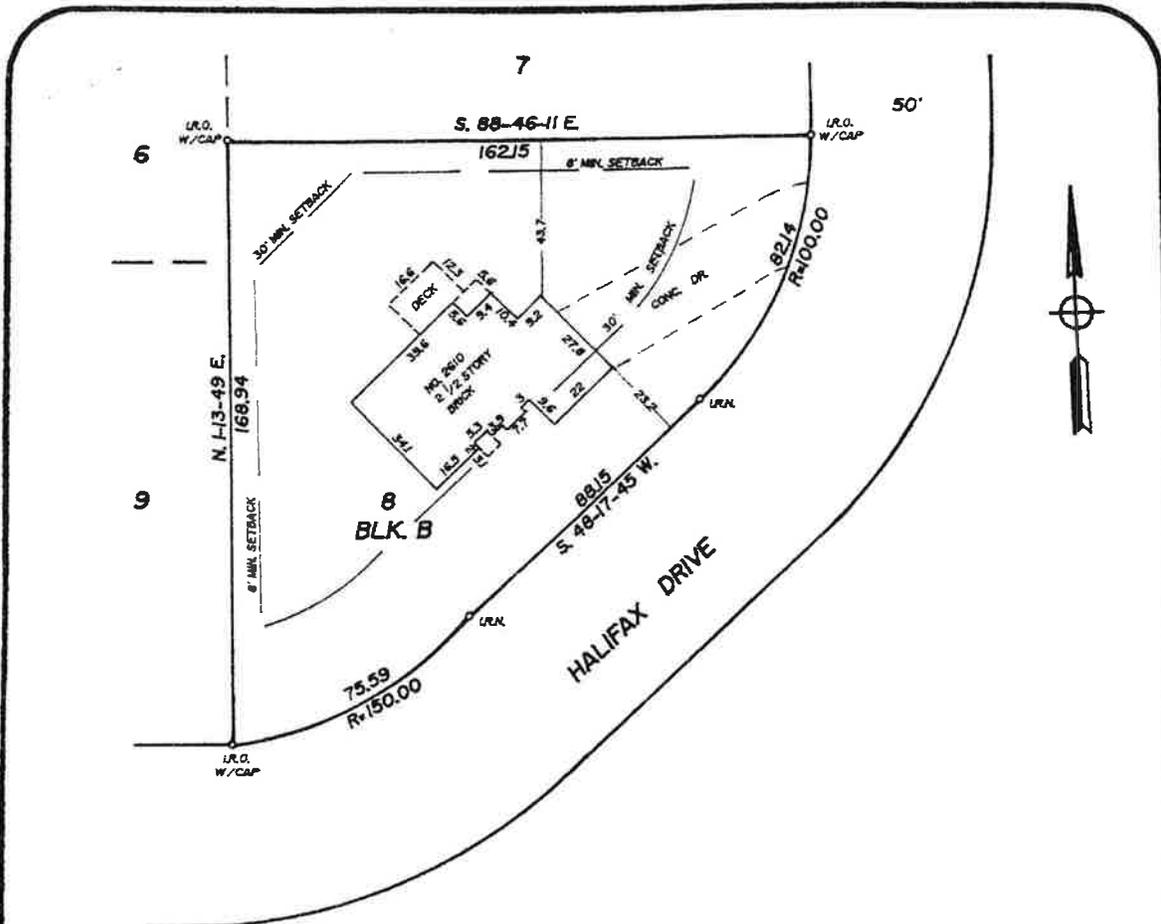
By signing below I state that I have read and understand the conditions of this application and have been informed as to the location, date and time of the meeting in which the Board of Zoning Appeals will review my application. I further state that I am/we are the sole and legal owner(s) of the property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

Signature: <u>Ricky Reed</u>	Date: <u>7/3/2013</u>
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Signed before me on this 3 day of July, 2013
 a notary public for the State of Tennessee
 County of Sullivan

Notary: Karen Bailey Combs
 My Commission Expires 3/1/17





- NOTES:
- 1) THERE IS A 12' FRONT AND REAR AND A 6' SIDE EASEMENT FOR UTILITIES AND DRAINAGE.
 - 2) BUILDING SETBACK LINES SHOWN ON THIS PLAT ARE FROM INFORMATION FURNISHED BY THE CITY OF KINGSPORT BUILDING DEPARTMENT FOR AN R-1B ZONE. RECORDED PLAT STATES AS FOLLOWS: SETBACK WILL CONFORM TO CITY ZONING REGULATIONS.

This is to certify that I have consulted the Federal Insurance Administration Flood Hazard Boundary Maps and found that the subject (lot) is (is not) located in a special flood hazard area.

I hereby certify that this survey has been made 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.

ALLEY & ASSOCIATES, INC.
 243 East Market Street
 Kingsport, Tennessee 37660

MAP OF: **Lot 8, Blk. B, Rivermont Estates, Phase I**

OWNER: Damon Hollis and Raycean Hollis
 CIVIL DISTRICT: 12th COUNTY, Sullivan
 STATE: Tennessee T.M. 45-H "D" Par. 54
 SCALE: 1 INCH = 40 FEET DATE: May 30, 2000
 REFERENCE: Plat Book 42, Page 43
00-5650L FB/PG: 582/38
 FOR: Eastman Credit Union

SURVEYOR'S REPORT
(To be filled out and signed with all surveys)

To: EASTMAN CREDIT UNION

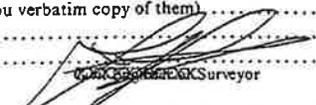
Kingsport, Tennessee

THIS IS TO CERTIFY that on May 30 ~~19~~ 2000 I made an accurate survey of the premises standing in the name of Damon Hollis and Raycean Hollis situated at Kingsport Sullivan Tennessee City County State briefly described as: Lot 8, Block B, Riverview Estates, Phase I and shown on the accompanying survey entitled:

I made a careful inspection of said premises and of the buildings located thereon at the time of making such survey, and again on 19 and at the time of such latter inspection I found vacant to be in possession of said premises as (tenant) or (owner)

I further certify as to the existence or nonexistence of the following at the time of my last inspection:

1. Rights of way, old highways, or abandoned roads, lanes or driveways, drains, sewer, water, gas or oil pipelines across said premises: drainage easement as shown on map
2. Springs, streams, rivers, ponds, or lakes located, bordering on or running through said premises: none
3. Cemeteries or family burying grounds located on said premises. (Show location on plat): none
4. Telephone, telegraph or electric power poles, wires or lines overhanging or crossing said premises and serving other property or properties: utility easement as shown on map
5. Joint driveways or walkways; party walls or rights of support; porches, steps or roofs used in common or joint garages: none
6. Encroachments, or overhanging projections. (If the buildings, projections or cornices thereof, or signs affixed thereto, fences or other indications of occupancy encroach upon or overhang adjoining properties, or the like encroach upon or overhang surveyed premises, specify all such): house encroaches building setback line as shown on map
7. Physical evidence of boundary lines on all sides. (Be specific): as shown on map
8. Is the property improved? Yes
 (a) Building is: Brick (); Clapboard (); other ()
 (b) Building is: One story (); Two story (); split-level (); other () 2 1/2 story
Specify
9. Indications of building construction, alterations or repairs within recent months: none
 (a) If new improvements under construction, how far have they progressed? none
10. Changes in street lines either completed or officially proposed: none
 (a) Are there indications of recent street or sidewalk construction or repairs? no
11. Are the abutting streets or roads maintained by public authorities? Yes
12. If the surveyed premises are subject to restrictive covenants, do the improvements, use and occupancy comply with such? (If the premises are subject to restrictive covenants, have the examining attorney furnish you verbatim copy of them). n/a


Surveyor

(Be sure to answer each item. If the property is not subject to any such of items 1 to 6 inclusive, insert the word "none" following the item.)

NOTE: In all cases where there are encroachments, support easements, party walls, etc., they should also be denoted upon the map of your survey. Also, be certain map complies with Instructions on reverse side. Particular attention is directed to Paragraph 3 of these instructions.



Sullivan Co Parcels
 Hawkins Co Parcels
 Local Streets

Private Street
 Local Street
 Collector Street
 Major Road

Ramp
 Expressway
 Interstate
 Minor Arterial
 Major Arterial

Paved/Unpaved
 Zoning

Submission Labels

Golf Course
 Hospital
 Schools
 Fire Stations
 Hydrography

County/Muni Boundary
 Urban Growth Boundary



149 ft

2610 Halifax Dr

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

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