

KINGSPORT BOARD OF ZONING APPEALS AGENDA

Thursday, June 7, 2012

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 HEARINGS:

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

INTERESTED PARTIES:

Owner: Chase Meadows
Ken Bates
P.O. Box 5243
Kingsport, TN 37663
(423) 276-6997

Applicant /Agent: Same As Above

Engineer/Architect: Same As Above

2. Case: 12-701-00004 – Property located at 1062 Cooks Valley Road; Control Map 62L, Group A, Parcel 03.50, Lot 7 Requests variance of 748 square feet to the accessory building size requirement [Sect.114-139.(2)] in order to construct a garage in a R-1B, Single Family Residential District. The code allows a maximum of 1,100 square feet in accessory structures on one lot.

INTERESTED PARTIES:

Owner: Stephen Palmer
1062 Cooks Valley Road
Kingsport, TN 37664
(276) 608-2980

Applicant /Agent: Same As Above

Engineer/Architect: Same As Above

BUSINESS:

- Approval of the May 3, 2012 minutes.
- Stating for the public record, the next application deadline June 15, 2012 at noon, and meeting date (Thursday, July 5,2012).
- Staff Reports

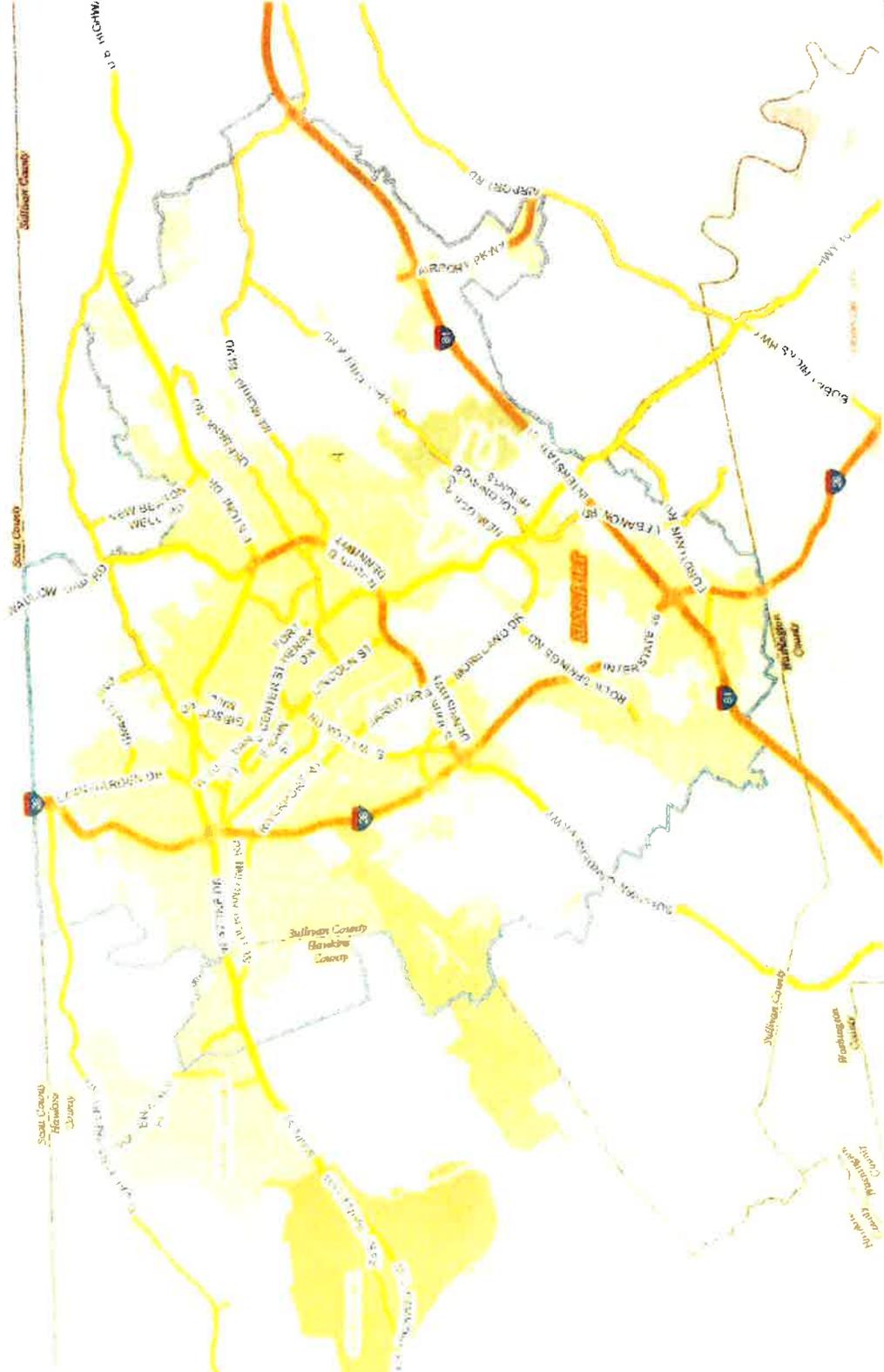
ADJUDICATION OF CASES:

ADJOURNMENT:

- River/Arroyo
- River
- Subdivision Labels
- County Lines
- Hydrography
- Major Parks
- Municipal/Boundary
- City Limits
- Frisingsport
- McConnell
- Church Hill
- Johnson City
- County Boundary



2.388 miles



BZA June 2012

MEMORANDUM

TO: KINGSFORT BOARD OF ZONING APPEALS
FROM: Karen B. Combs, PRINCIPAL PLANNER
DATE: April 16, 2012
RE: 1220 Tuscany Way

The Board is asked to consider the following request:

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

Requests 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.

Kevin Combs
224-2482
Muskogee, MO 300

Board of Zoning Appeals Application
Deadline: 12:00 Noon/15th of the month prior to meeting
Meeting Date: 1st Thursday of every month

Application Date: APRIL 16, 2012
Application Number: 12-781-00003

Applicant/Owners Name: CHASE MEADOWS DDJ.
Owners Signature: Kenest W. Bates
Mailing Address: P.O. Box 5243 KPT, TN 37663
Daytime Phone: 423 276-6997
Representative Name: Ken Bates

Address of Property requesting variance: 1220 TESCANT WAY

Property Tax Map # 078A group# E parcel # 00160

Requested Action: VARIANCE TO 30' PERIPHERY YARD
APPROX 8'

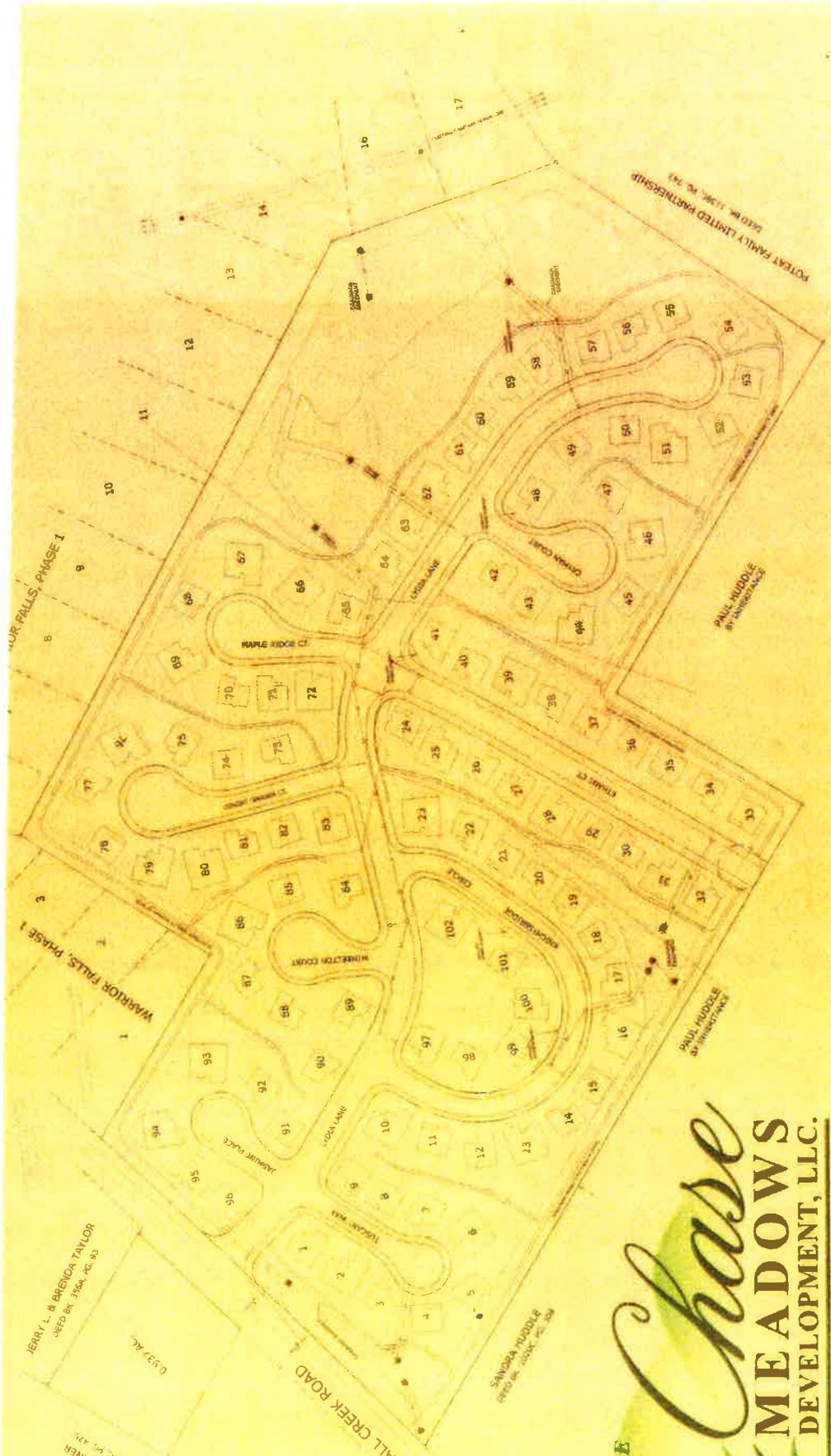
* Special exception requests require a letter from petitioner addressing the rationale.
A fifty (\$50) application fee is required before application will be processed.

Requesting 8' variance
Zoned PD - Require 30 ft Periphery Yard
For Staff Use Only

Building/Zoning Administrator: Michael Turner
Completed Site Plans Received: _____
Section of Applicable Code: 114.357 (d)

Appl. Received: 4-16-12
Fee Paid: 4-16-12

Meeting Date: May 3, 2012



WELCOME HOME



Chase

MEADOWS

DEVELOPMENT, LLC.

Sullivan C/P Parcels
 Hawkins C/P Parcels
 Mount Carmel Zoning
 City and County Zoning
 Local Streets

Private Street
 Local Street
 Collector Street
 Major Roads

Roadway
 Expressway
 Interstate
 Minor Arterial
 Major Arterial

River/Stream
 Subdivision Labels

Coil Course

Hospital

Schools

Fire Stations

Hydrography

Urban Growth Boundary

County/Municipality



213 ft



1220 Tuscany Way

Variance Worksheet – Finding of Facts for:

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

Requests 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.

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: KINGSPOINT BOARD OF ZONING APPEALS
FROM: Karen B. Combs, PRINCIPAL PLANNER
DATE: April 16, 2012
RE: 1062 Cooks Valley Road

The Board is asked to consider the following request:

Case: 12-701-00004 – Property located at 1062 Cooks Valley Road; Control Map 62L, Group A, Parcel 03.50, Lot 7 Requests variance of 748 square feet to the accessory building size requirement [Sect.114-139.(2)] in order to construct a garage in a R-1B, Single Family Residential District. The code allows a maximum of 1,100 square feet in accessory structures on one lot.

APPLICATION
Board of Zoning Appeals

Kingsport

Application #2-701-0004

APPLICANT INFORMATION:

Last Name PALMER First STEPHEN M.I. D Date 5-14-12
Street Address 1062 COOKS VALLEY RD Apartment/Unit #
City KINGSFORT State TN ZIP 37664
Phone 276-608-2980 Cell E-mail Address

PROPERTY INFORMATION:

Tax Map Information Tax map: Cook Group: A Parcel: 1054 Lot: 7 Loss Room 512 2
Street Address 1062 COOKS VALLEY RD Apartment/Unit #
Current Zone Res Proposed Zone Res
Current Use Res Proposed Use Res

REPRESENTATIVE INFORMATION:

Last Name SAME AS ABOVE First M.I. Date
Street Address Apartment/Unit #
City State ZIP
Phone E-mail Address

REQUESTED ACTION:

PERMISSION TO CONSTRUCT 30'X40'X10' POST STEEL GARAGE
TYPE BUILDING ON PROPERTY FOR PERSONAL USE
Additional 748 sq ft to max. 1,100 sq ft. [sect 114-139(2)]

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: [Signature] Date: 5-14-12

Signed before me on this 14 day of May, 2012
a notary public for the State of TN
County of Sullivan
Notary [Signature]
My Commission Expires 2-27-2016



CITY PLANNING OFFICE

Received Date: 5-14-12

Application Fee Paid: 5-14-12 - \$500.00

Board of Zoning Appeals Meeting Date: June 7, 2012

Section of Applicable Code: Sect. 114-139(2)

Building/Zoning Administrator Signature: Michael Sumner

Completed Site Plans Received:

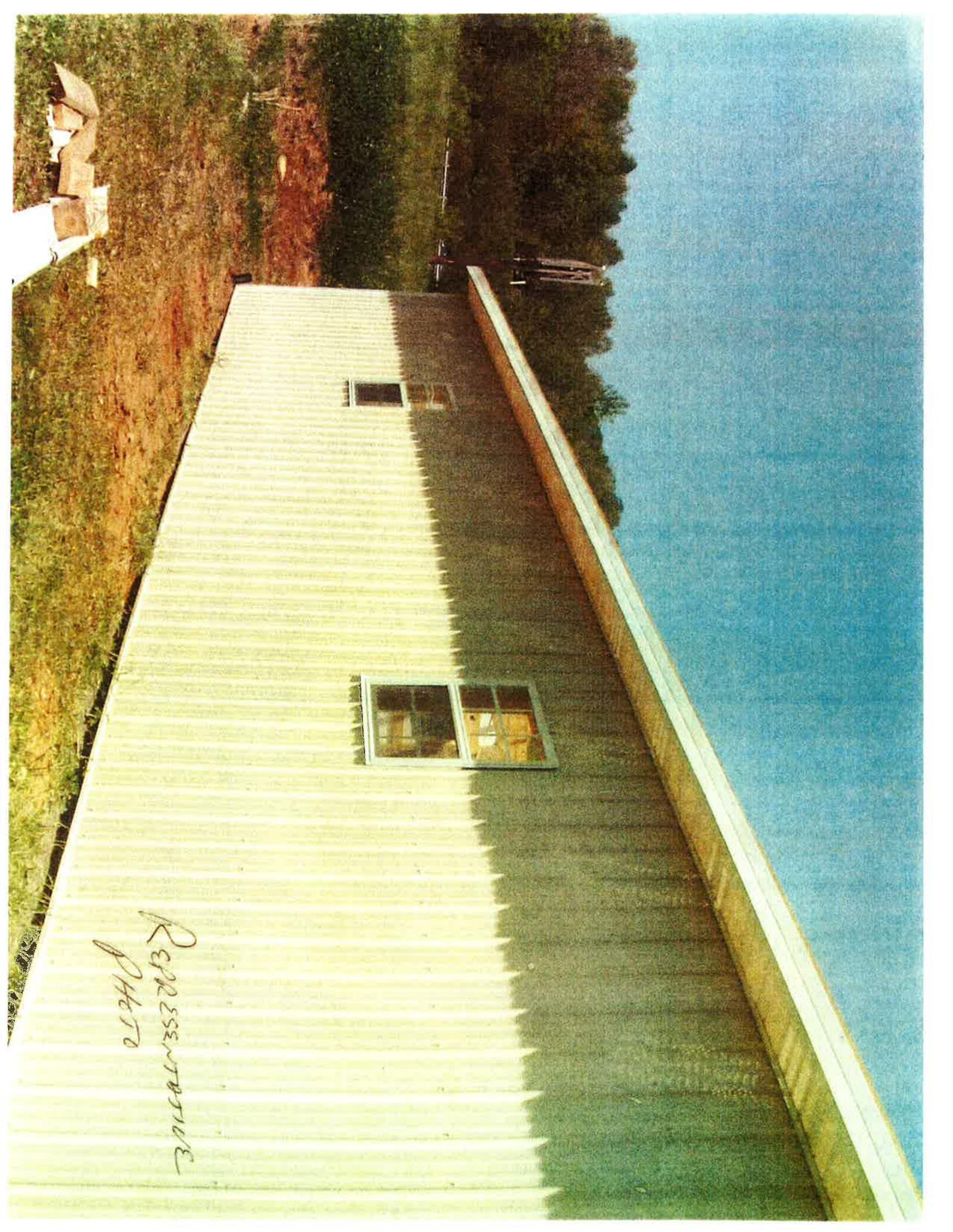
Previous requests or file numbers: NONE

Signature of City Planner: [Signature]

Received By: [Signature]

Date: May 15, 2012

Date: 5-14-12



REPRESENTATIVE
PHOTO



REPRESENTATIVE
PHOTO



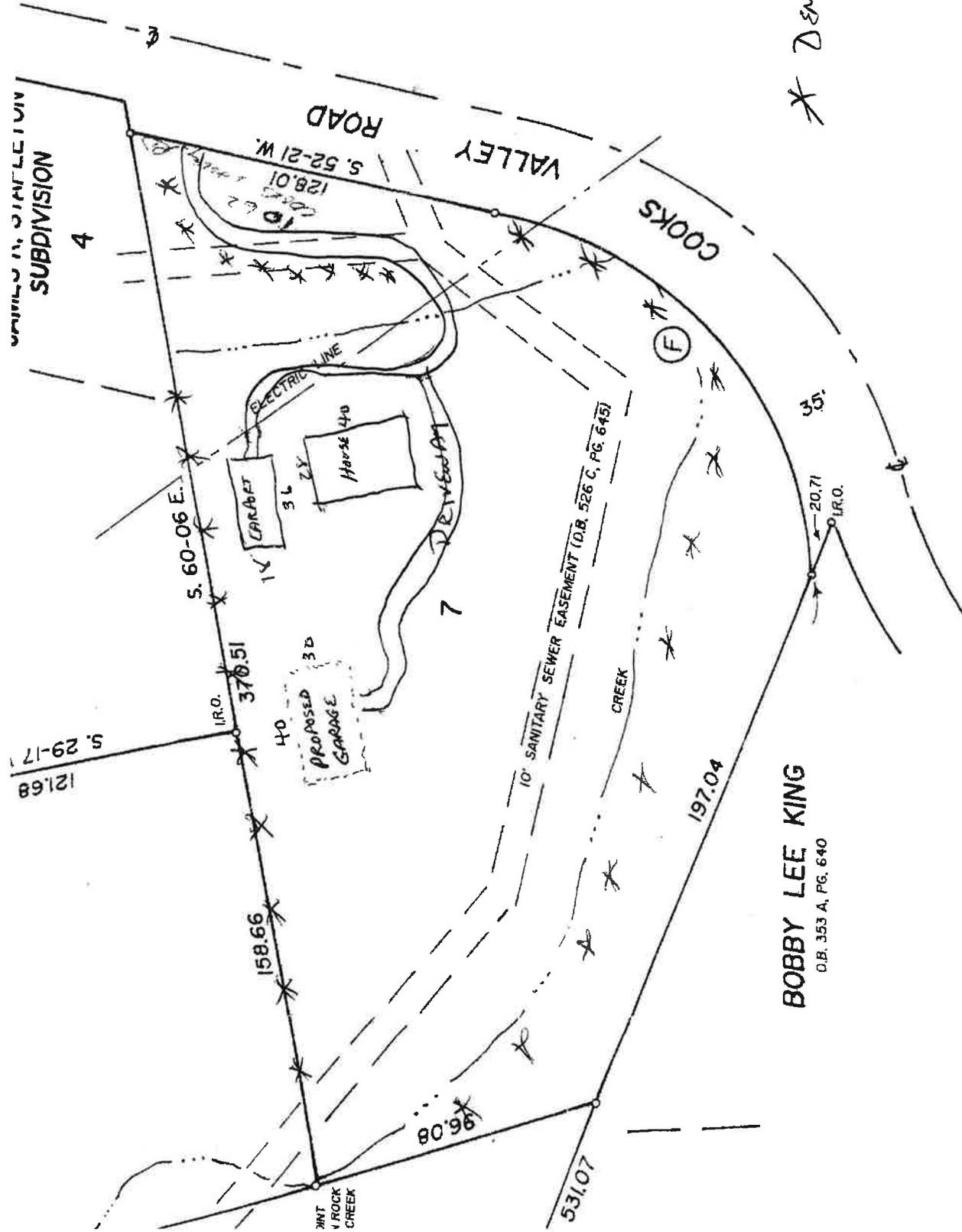
Photo
of window



part of
preservative

REPRESSURIZATION
PHOTO





NOTES:

- 1) Job No. 95-3327
- 2) Field Book 549, Page 51
- 3) Tax Map 62-L "A" p/Pa
- 4) Property is zoned RI - B
- 5) Deed Reference: D.B. 32
- 6) This property is not local flood hazard area.
- 7) North based on N. 37-51 No. 2 to Hickory Hills Sul
- 8) Building setbacks to conform with local ordinance
- 9) Iron rods on all corners and at 6' intervals along rear lot lines; 12' along front lot lines
- 10) 6' utility and drainage easement along rear lot lines; 12' along front lot lines
- 11) Drainage easement along the width of the stream

BOBBY LEE KING
O.B. 353 A, PG. 640

* DENOTES TREES FOR

<p>CERTIFICATION OF THE APPROVAL OF WATER AND SEWERAGE SYSTEM</p> <p>I HEREBY CERTIFY THAT THE WATER SUPPLY AND/OR SEWAGE DISPOSAL UTILITY SYSTEM OR SYSTEMS INSTALLED, OR PROPOSED FOR INSTALLATION, FULLY MEET THE REQUIREMENTS OF THE TENNESSEE HEALTH DEPARTMENT, AND ARE HEREBY APPROVED AS SHOWN.</p>	<p>CERTIFICATE OF APPROVAL FOR RECORDING</p> <p>I HEREBY CERTIFY THAT THE SUBDIVISION PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE SUBDIVISION REGULATIONS FOR KINGSPORT, TENNESSEE, WITH THE EXCEPTION OF SUCH VARIANCES, IF ANY, AS ARE NOTED IN THE MINUTES OF THE PLANNING COMMISSION AND THAT IT HAS BEEN APPROVED FOR RECORDING IN THE OFFICE OF THE SULLIVAN COUNTY REGISTER.</p>	<p>ROSEBROOKE - SE</p>
<p>5 JAN 96</p>	<p>1-4 91</p>	<p>KINGSPORT REGIONAL PLANNING COMMISSION</p>
<p>TOTAL ACRES <u>4.671</u></p>	<p>TO</p>	<p>ACRES NEW ROAD 0.345</p>
<p>OWNER <u>DAVID ROSE et ux</u></p>	<p>MII</p>	<p>CIV</p>

Variance Worksheet – Finding of Facts for:

2. Case: 12-701-00004 – Property located at 1062 Cooks Valley Road; Control Map 62L, Group A, Parcel 03.50, Lot 7

Requests variance of 748 square feet to the accessory building size requirement [Sect.114-139.(2)] in order to construct a garage in a R-1B, Single Family Residential District. The code allows a maximum of 1,100 square feet in accessory structures on one lot.

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.

MINUTES KINGSPORT BOARD OF ZONING APPEALS (BZA)

Thursday April 5, 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 5th 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 5, 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