

## **AGENDA KINGSPORT BOARD OF ZONING APPEALS**

Thursday, January 5, 2012

NOON

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

### I. INTRODUCTION

### II. PUBLIC HEARINGS:

**Case: 11-701-00018 – Property located at 1329 Magnolia Avenue; Tax Map 61C, Group A, Parcel 2.6** Requests a variance of 8 feet to [Sect.114-192.(e)(1)(d)] to construct Carport in a R1-B Single Family Residential area. The code requires an 8 foot side yard setback.

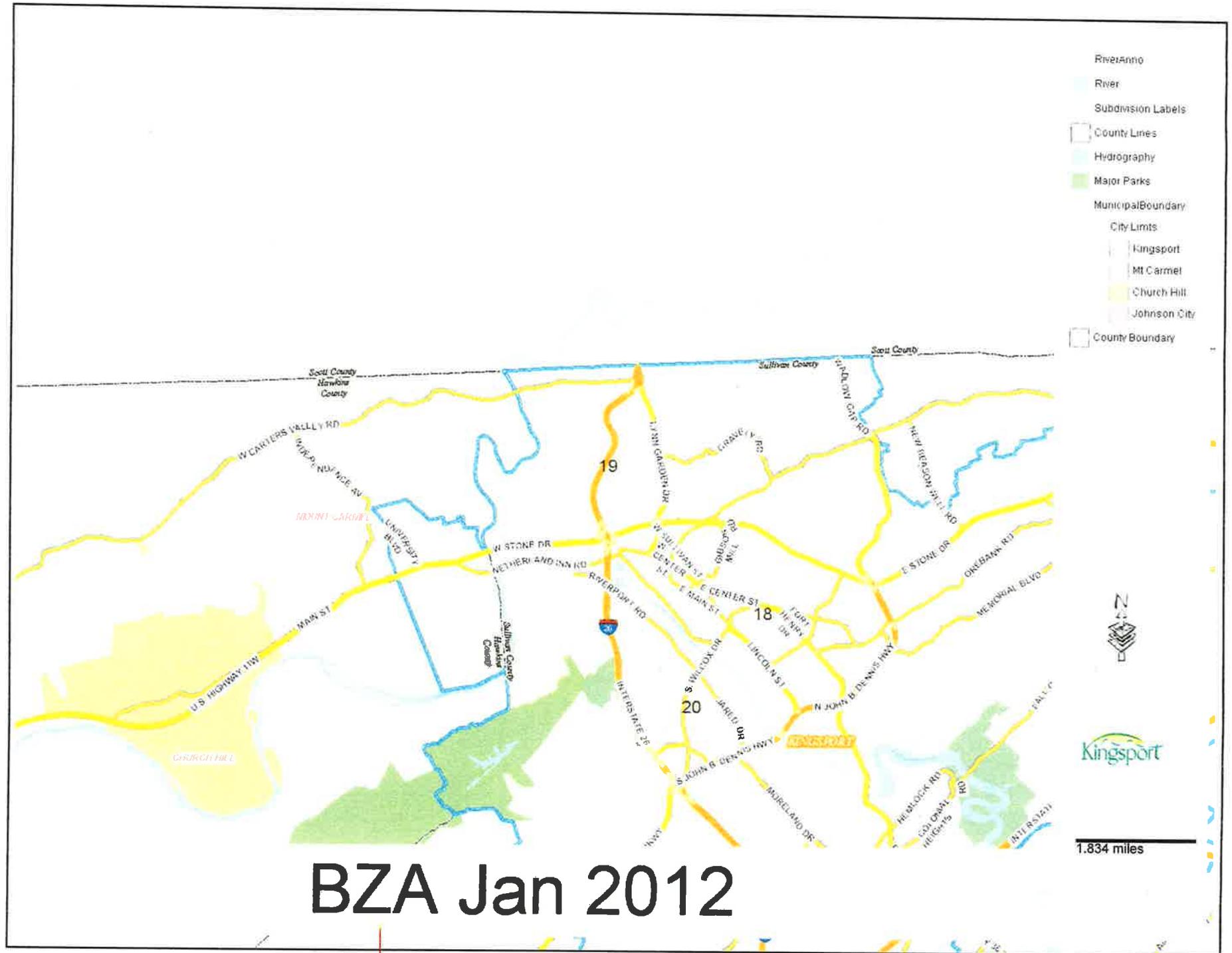
**Case: 11-701-00019 – Property located at 1810 Fairview Avenue; Tax Map 29K, Group C, Parcel 11.6** Requests a variance of 2,000 square feet to [Sect.114-139.(2)] to construct an accessory building in a R1-B Single Family Residential area. The code allows 1,100 square feet for accessory structures.

**Case: 11-701-00020 – Property located at 1241 Jan Way; Tax Map 76A, Group C, Parcel 5.0** Requests a landscaping variance of 15 feet to [Sect.114-207.(f)(1)(c)] to construct a building in a M1-R Light Manufacturing District. This parcel is also located within the Gateway District. The code states that there shall be a 50 foot front yard setback and that a minimum of 20 feet of the required setback shall be landscaped with grass, trees, and shrubs. Landscaping must be accomplished prior to any occupancy and use of the property.

### III. BUSINESS

- Approval of the December 1, 2011 minutes.
- Stating for the public record, the next application deadline January 16, 2012 at noon, and meeting date (Thursday, February 2, 2012).
- Staff Reports

### IV. DECISION OF CASES



**BZA Jan 2012**

## MEMORANDUM

TO: KINGSFORT BOARD OF ZONING APPEALS  
FROM: Karen B. Combs, PRINCIPAL PLANNER  
DATE: December 15, 2011  
RE: 1329 Magnolia Avenue

The Board is asked to consider the following request:

**Case: 11-701-00018 – Property located at 1329 Magnolia Avenue; Tax Map 61C, Group A, Parcel 2.6**

Requests a variance of 8 feet to [Sect.114-192.(e)(1)(d)] to construct carport in a R1-B Single Family Residential area. The code requires an 8 foot side yard setback.

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: 11-16-2011  
Application Number: 11-701-00018

Applicant/Owners Name: THOMAS & EVELYN T. WIDENER  
Owners Signature: Evelyn T. Widener  
Mailing Address: 1329 Magnolia Avenue, KINGSFORD, TN. 37664  
Daytime Phone: (423) 782-6563  
Representative Name: \_\_\_\_\_

Address of Property requesting variance: 1329 MAGNOLIA AVE., KPT, TN. 37664

Property Tax Map # 61C group# A parcel # 2.6

Requested Action: COVER FOR STEPS & PORCH & TO EXTEND TO  
DRIVE CAR UNDER TO PROTECT FROM WEATHER WHEN  
EXITING & ENTERING CAR.

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

Zoned R-1B Requires - 8 ft. side yard setback

For Staff Use Only

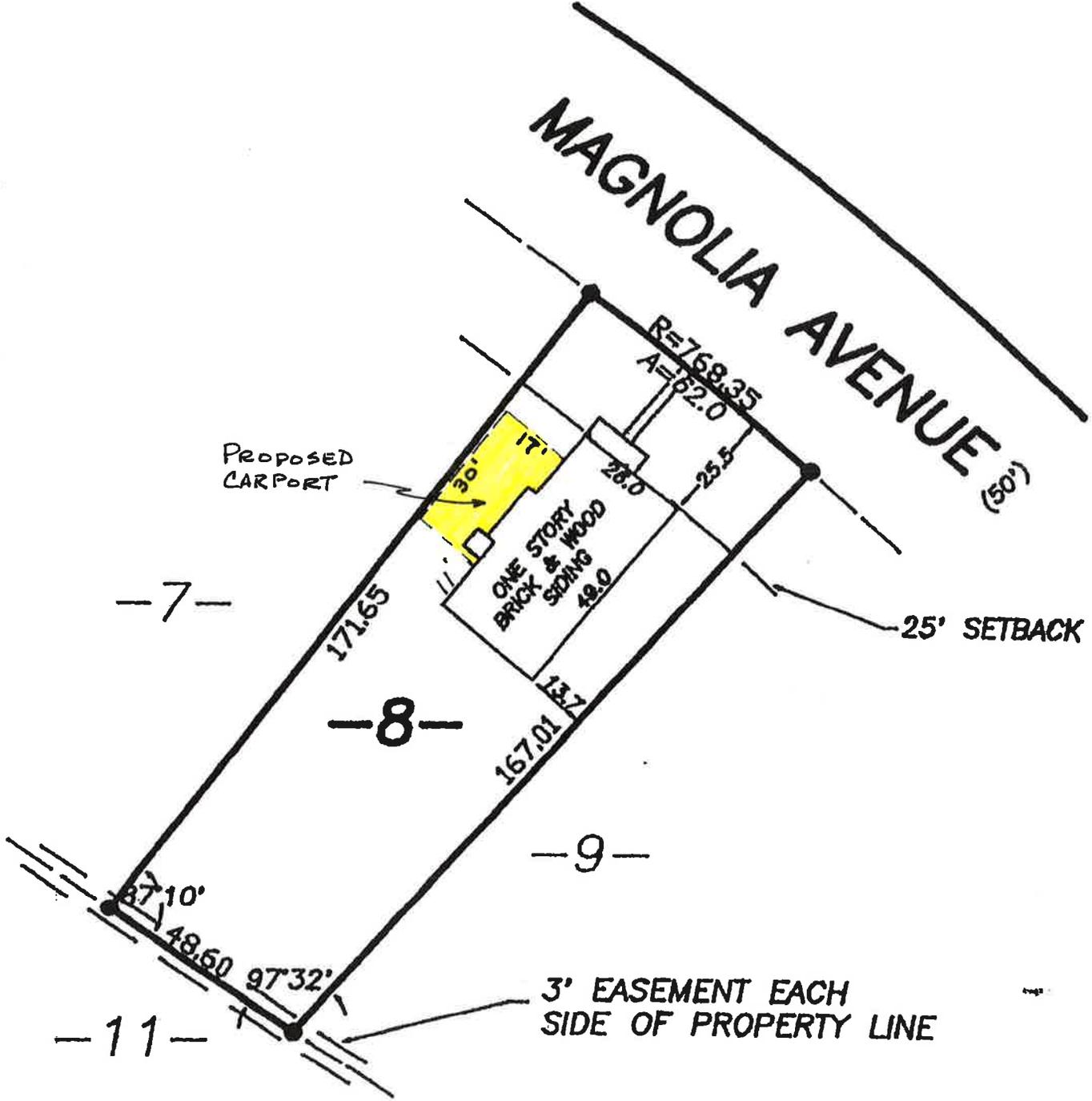
Building/Zoning Administrator: Michael J. Truma  
Completed Site Plans Received: \_\_\_\_\_  
Section of Applicable Code: 114-192. (e)(1)(d)

Appl. Received: 11-16-2011  
Fee Paid: \_\_\_\_\_

Meeting Date: Jan 5, 2012



MAGNOLIA AVENUE (50')





## MEMORANDUM

TO: KINGSPORT BOARD OF ZONING APPEALS  
FROM: Karen B. Combs, PRINCIPAL PLANNER  
DATE: December 15, 2011  
RE: 1810 Fairview Avenue

The Board is asked to consider the following request:

**Case: 11-701-00019 – Property located at 1810 Fairview Avenue; Tax Map 29K, Group C, Parcel 11.6**

Requests a variance of 2,000 square feet to [Sect.114-139.(2)] to construct an accessory building in a R1-B Single Family Residential area. The code allows 1,100 square feet for accessory structures.

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: 12-15-11  
Application Number: \_\_\_\_\_

Applicant/Owners Name: Lester Steven Tamlinson  
Owners Signature: Lester S. Tamlinson  
Mailing Address: 1810 Fairview Ave - Kpt. TN. 37665  
Daytime Phone: 423-246-3906  
Representative Name: \_\_\_\_\_

Address of Property requesting variance: 1810 Fairview Ave.

Property Tax Map # 29K group# C parcel # 11.60

Requested Action: Build a garage on my property  
40x60  
Variance to ~~2000~~ Accessory Bldg. Sq. footage  
(2,000 sq. ft.)

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

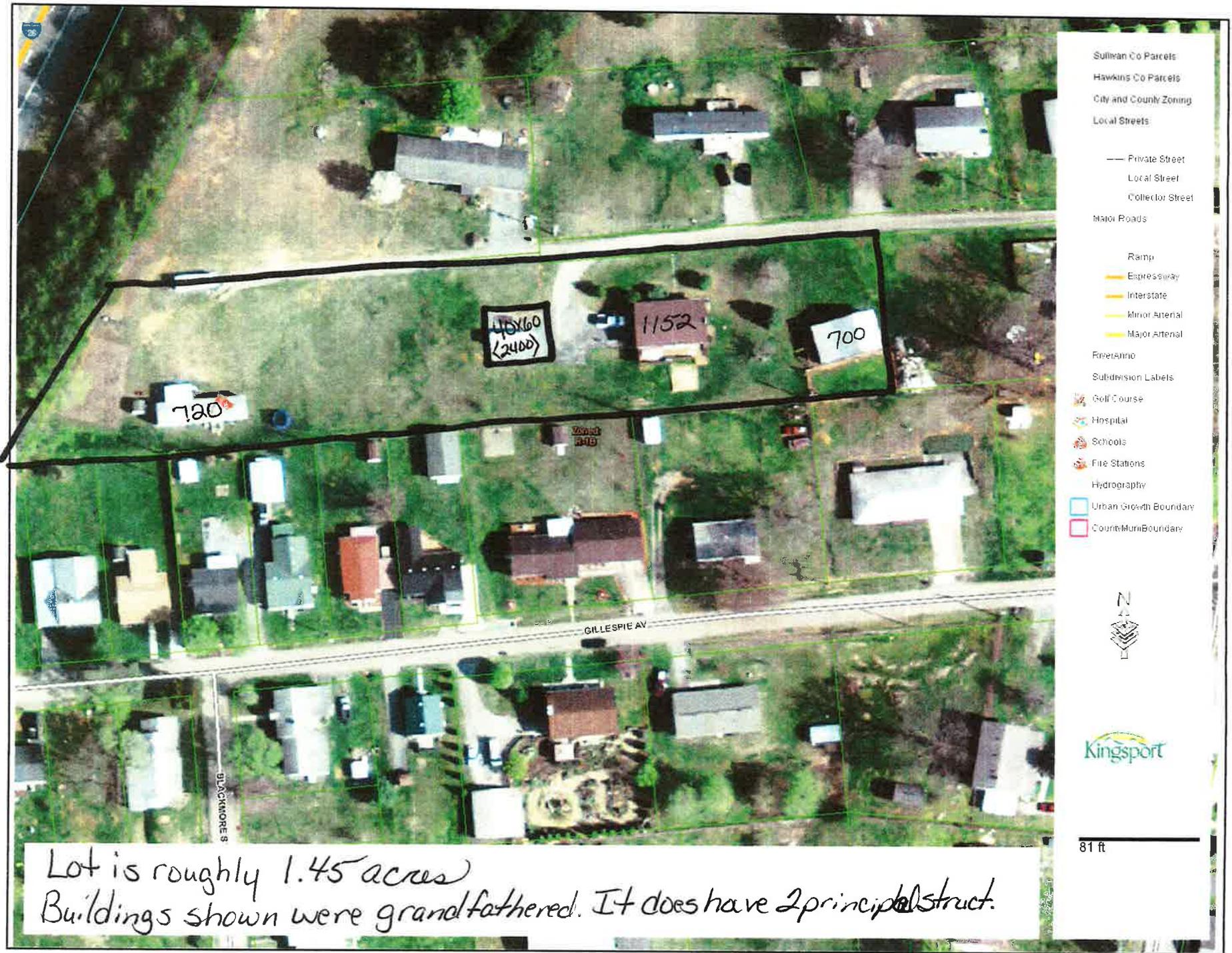
Has roughly 1.45 acres  
ONLY Allowed 1100 sq ft.  
For Staff Use Only

Building/Zoning Administrator: Michael J. Truena  
Completed Site Plans Received: \_\_\_\_\_  
Section of Applicable Code: 114-139(2)

Appl. Received: 12-15-11  
Fee Paid: 12-15-11

Meeting Date: Jan. 5, 2012





- Sullivan Co Parcels
- Hawkins Co Parcels
- City and County Zoning
- Local Streets
  - Private Street
  - Local Street
  - Collector Street
- Major Roads
  - Ramp
  - Expressway
  - Interstate
  - Minor Arterial
  - Major Arterial
- Freezing
- Subdivision Labels
  - Golf Course
  - Hospital
  - Schools
  - Fire Stations
  - Hydrography
  - Urban Growth Boundary
  - County/Muni Boundary



Kingsport

81 ft

Lot is roughly 1.45 acres  
 Buildings shown were grandfathered. It does have 2 principal structures.

## MEMORANDUM

TO: KINGSFORT BOARD OF ZONING APPEALS  
FROM: Karen B. Combs, PRINCIPAL PLANNER  
DATE: December 15, 2011  
RE: 1241 Jan Way

The Board is asked to consider the following request:

**Case: 11-701-00020 – Property located at 1241 Jan Way; Tax Map 76A, Group C, Parcel 5.0**

Requests a landscaping variance of 15 feet to [Sect.114-207.(f)(1)(c)] to construct a building in a M1-R Light Manufacturing District. This parcel is also located within the Gateway District. The code states that there shall be a 50 foot front yard setback and that a minimum of 20 feet of the required setback shall be landscaped with grass, trees, and shrubs. Landscaping must be accomplished prior to any occupancy and use of the property.

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: 12-15-11  
Application Number: \_\_\_\_\_

Applicant/Owners Name: Applicant: J.A. Street & Associates  
Owners Signature: [Signature]  
Mailing Address: 245 Birch St. Blountville, TN. 37617  
Daytime Phone: 423-323-1206  
Representative Name: Tim Keykendall

Address of Property requesting variance: 1241 Jan Way Kingsport, TN.

Property Tax Map # 76A group# C parcel # 5.00

Requested Action: Requesting a variance to the front landscaping  
Buffer from 20' to 5'.

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

Zoned M1-R - In Gateway District - See Email Attached  
For Staff Use Only

Building/Zoning Administrator: [Signature]  
Completed Site Plans Received: \_\_\_\_\_  
Section of Applicable Code: 114-207(f)(1)(c)

Appl. Received: Partial 12-15-11  
Fee Paid: \_\_\_\_\_

Meeting Date: Jan 5, 2012  
Even though Application  
was not complete

## Combs, Karen

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**From:** JLewis@jastreet.com  
**Sent:** Thursday, December 15, 2011 11:47 AM  
**To:** Combs, Karen  
**Cc:** timkuykendall@adscad.com; Alley, Chris; Koder, Forrest; Tully, Lynn; leonard@armstrong-construction.com; tonyrogers@jastreet.com  
**Subject:** BZA Application for Kendall Electric  
**Attachments:** BZA Request for Kendall Electric.pdf

Karen,

Attached is the BZA application for the proposed Kendall Electric project at 1241 Jan Way in Kingsport, TN. Please include this item on the agenda for the January 5<sup>th</sup> 2012 meeting of the BZA. We will give you our application fee tomorrow at our 10:00 am meeting.

Thank you very much and please let us know if you have any questions or need any additional information.

### Jonathan B. Lewis, PE.

Appalachia Design Services, Inc.  
245 Birch Street  
Blountville, TN, 37617  
P (423) 323-1206  
F (423) 323-1732

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**From:** Combs, Karen [<mailto:KarenCombs@KingsportTN.gov>]  
**Sent:** Thursday, December 15, 2011 10:34 AM  
**To:** Jonathan Lewis  
**Cc:** Timothy Kuykendall; Alley, Chris; Koder, Forrest; Tully, Lynn; Leland Leonard  
**Subject:** RE: BZA Application for Kendall Electric

Mr. Lewis,

With this project being located in the Gateway, the Board of Zoning Appeals will more than likely defer to their wishes on this one (you will still need to bring it before the BZA). So, I would suggest that you take your project to the Gateway Commission and receive at least preliminary approval contingent upon BZA approval for Landscaping. If the BZA were to grant this variance request without input from the Gateway Commission, it would be detrimental to what the Gateway Commission stands for in regard to aesthetics within the Gateway.

Normally, you would be correct in bringing this item to BZA prior to taking it to Gateway, but with the nature of your specific request (landscaping/aesthetics) it would be better to gain the approval of the Gateway Commission prior to applying to the BZA, because the BZA will request input from the Commission prior to any decision made.

If you still wish to go to January's BZA meeting; the Board requires a stamp survey and detailed plans with dimensions; the application is online at [www.kingsporttn.gov](http://www.kingsporttn.gov) under development services – planning- boards and commissions – BZA. You can scan a copy to me and then mail the original with a payment of \$50. I will need all information before noon today as the agenda will be set then.

Thank you,

*Karen Combs*

Principal Planner  
City of Kingsport

[karencombs@kingsporttn.gov](mailto:karencombs@kingsporttn.gov)

423-224-2482

“ Our opinion of people depends less upon what we see in them than in what they make us see in ourselves. ”

— *Sarah Grand*

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**From:** [JLewis@jastreet.com](mailto:JLewis@jastreet.com) [<mailto:JLewis@jastreet.com>]

**Sent:** Thursday, December 15, 2011 10:05 AM

**To:** Combs, Karen

**Cc:** [timkuykendall@adscad.com](mailto:timkuykendall@adscad.com)

**Subject:** BZA Application for Kendall Electric

Karen,

We need to request a landscaping variance for the proposed Kendall Electric project. The project is located at 1241 Jan Way.

Please forward us the application and any other relevant information and we will complete and send back.

Thank you very much,

**Jonathan B. Lewis, PE.**

Appalachia Design Services, Inc.  
245 Birch Street  
Blountville, TN. 37617  
P (423) 323-1206  
F (423) 323-1732

(1) Public utilities and public service uses and structures.

(2) Indoor recreational facilities such as tennis courts, racquet ball courts, gymnasiums, offices, etc.

(e) *Prohibited uses.* Uses prohibited in the M-1 district are as follows:

(1) Residential, business as principal uses.

(2) All uses in the M-2 district not included in the M-1 district.

(3) Auto wrecking and junkyard.

(f) *Dimensional requirements.* The minimum and maximum dimensional requirements for the M-1 district are as follows:

(1) *Minimum requirements.*

a. Lot area, not applicable.

b. Lot frontage, not applicable.

c. Front yard, 20 feet.

d. Each side yard, not applicable.

e. Rear yard, not applicable.

f. Usable open space, not applicable.

(2) *Maximum permitted.*

a. Lot coverage, 85 percent.

b. Building height, not applicable.

(g) *Signs.* See article IV of this chapter for sign provisions.

(h) *Parking.* See article V of this chapter for parking and loading provisions.

(Code 1981, app. A, art. IV, § 9; Ord. No. 4018, § IV(26), 3-21-95; Ord. No. 4276, § I, 9-3-96)

### **Sec. 114-207. M-1R light industrial district.**

(a) *Intent.* The M-1R light industrial district is the same as the M-1 district, except that provisions are greater for light and air and for physical appearance.

(b) *Principal uses.* Principal uses permitted in the M-1R district are the same as for the M-1 district.

(c) *Accessory uses.* Accessory uses which are accessory, incidental and subordinate to principal uses are permitted in the M-1R district the same as for the M-1 district.

(d) *Special exceptions.* Special exceptions are permitted only with the approval of the board of zoning appeals and are allowed in the M-1R district the same as for the M-1 district.

(e) *Prohibited uses.* Uses prohibited in the M-1R district are the same as for the M-1 district.

(f) *Dimensional requirements.* The minimum and maximum dimensional requirements for the M-1R district are as follows:

(1) *Minimum requirements.*

a. Lot area, not applicable.

b. Lot frontage, not applicable.

- c. Front yard, 50 feet.
- d. Each side yard, 15 feet.
- e. Rear yard, 25 feet.
- f. Usable open space, not applicable.

(2) *Maximum permitted.*

- a. Lot coverage, 80 percent.
- b. Building height, not applicable.

**Note: A minimum of 20 feet of the required front yard shall be landscaped with grass, trees and shrubs. Landscaping must be accomplished prior to any occupancy and use of the property.**

(g) *Signs.* See article IV of this chapter for sign provisions.

(h) *Parking.* See article V of this chapter for parking and loading provisions.

(Code 1981, app. A, art. IV, § 9; Ord. No. 4018, § IV(27), 3-21-95; Ord. No. 4276, § I, 9-3-96)

### **Sec. 114-208. M-2 general industrial district.**

(a) *Principal uses.* Principal uses permitted in the M-2 general industrial district are as follows:

- (1) The same as for the M-1 district, except that all provisions in this section shall apply for such uses in this zone.
- (2) All buildings, storage, loading (but not parking) shall be at least 300 feet from residential districts, and 100 feet from any other district, except the M-1 district.
- (3) Abrasive manufacturing; acid manufacturing; aerosol packaging; agricultural uses, including hatcheries; asbestos processing; automobile assembling, rebuilding and reconditioning; bleaching plants; boiler shops, structural steel fabrication or other noise-producing machine operated tools; bolt or screw thread rolling or cutting; bottle making; brewing and distillery; brick, tile or terracotta and other clay products manufacturing; briquette manufacture; bronze casting; candle or sperm oil manufacturing; canvas manufacturing; carpet or rug manufacturing; coke manufacturing; concrete mixing, concrete products; die casting and making; disinfectant, insecticide or poison manufacturing; dye or dyestuff manufacturing; electric power generation; excelsior and fiber manufacturing; fencing, woven wire manufacturing; fertilizer manufacturing; forge; foundry; glass fiber manufacturing; glucose manufacturing; grain drying and poultry feed manufacturing; hair manufacturing; iron storage, sorting, collecting or bailing; leaf mold and similar products; linoleum oil cloth or oiled goods manufacturing; match manufacturing; nitrating processes; oil, paint, shellac, enamel manufacturing of the grinding of colors by machine; paper or pulp manufacturing, paper scrap or waste storage grading; perfume manufacturing; plaster manufacturing and products; potash manufacturing or refining; pyroline plastic manufacturing; roofing material factory, rubber manufacturing, treating or reclaiming plant; sand blasting; sewage treatment plant; shoe blacking or polish; soda ash, caustic soda or washing compound containing chlorine, bleaching powder manufacturing or refining; steam power plant; storage, drying, cleaning of rags, glass, cloth, paper or clipping; sugar refining or starch manufacturing; tar or asphalt roofing; textile manufacturing; tire manufacturing; ammonia, chlorine or bleaching powder; animal black, lampblack or bone black; asphalt plant; automobile impound yard; automobile wrecking; scrap iron storage; blast furnaces; building materials salvage; celluloid and pyroxyline manufacturing; cement, lime, gypsum or plaster of Paris; coal storage; creosote manufacturing; cupola or metal smelting furnace

**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: 12-15-11  
 Application Number: \_\_\_\_\_

Applicant/Owners Name: Owner: Frank DeLong Applicant: J.A. Street + Assoc.  
 x Owners Signature: Frank DeLong  
 Mailing Address: 245 Birch St. Blountville, TN. 37617  
 Daytime Phone: 423-323-8017  
 Representative Name: Tim Kuykendall

Address of Property requesting variance: 1241 Jan Way Kingsport, TN.

Property Tax Map # 76A group# C parcel # 5.00

Requested Action: Requesting a variance to the front landscaping  
buffer from 20' to 5'

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

For Staff Use Only

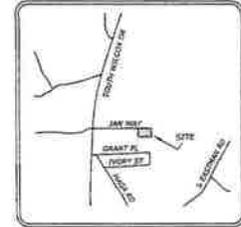
Building/Zoning Administrator: \_\_\_\_\_  
 Completed Site Plans Received: \_\_\_\_\_  
 Section of Applicable Code: \_\_\_\_\_

Appl. Received: \_\_\_\_\_ Meeting Date: \_\_\_\_\_  
 Fee Paid: CH#14018

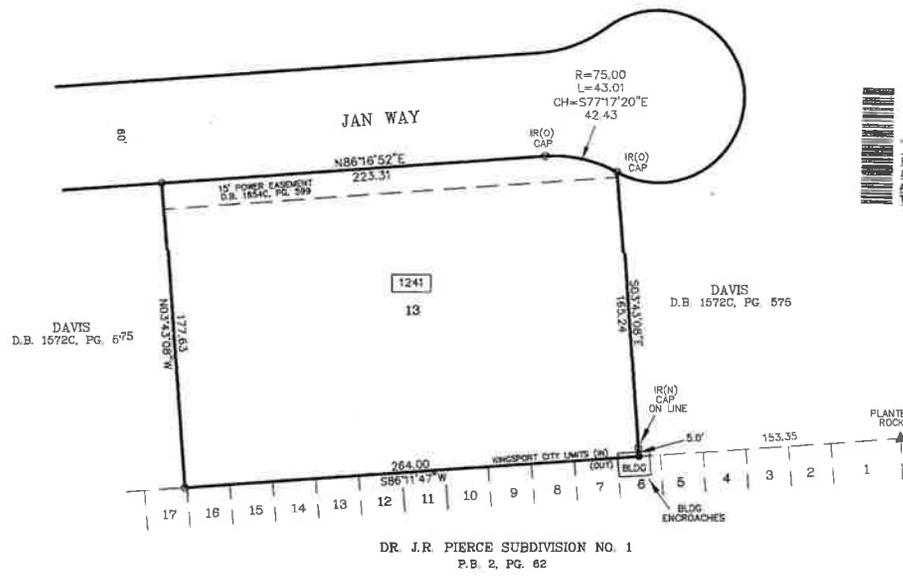
*Turn into to Tonya - 11/16/11*



SEE NOTE 1)



LOCATION MAP  
N.T.S.



08/04/2011 - 08:16:17 AM  
11307088

1 POS: AL - PLAT	BATCH: 2623
PLAT BOOK: P53	
PAGE: 418-418	
REC FEE	15.00
DP FEE	2.00
ARS FEE	0.00
TOTAL	17.00

STATE OF TENNESSEE, SULLY COUNTY  
BART LONG  
REGISTER OF DEEDS

LEGEND

- IR(O) IRON ROD, OLD
- IR(N) IRON ROD, NEW
- UNMARKED POINT
- DB DEED BOOK
- PC PAGE
- PB PLAT BOOK
- AC ACRES
- BLDG BUILDING
- N.T.S. NOT TO SCALE
- 723 911 ADDRESS

NOTES:

- 1) NORTH BASED ON KINGSPOINT GEODETIC REFERENCE NETWORK
- 2) PROPERTY IS ZONED M-1R  
SETBACKS:  
FRONT 50'  
REAR 25'  
SIDE 15'
- 3) SETBACKS TO CONFORM TO ZONING DESIGNATION  
THIS IS TO CERTIFY THAT I HAVE CONSULTED THE FEDERAL FLOOD INSURANCE ADMINISTRATION BOUNDARY MAP 47163C0045D EFFECTIVE DATE SEPTEMBER 29, 2006 AND FOUND THAT THE ABOVE PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA.  
JOB NO. 11-8884
- 4) ACAD FILE 11-8884 KENDALL ELECTRIC.DWG
- 5) FIELD INFORMATION ELECTRONIC DATA COLLECTED
- 6) TAX MAP 61-P "B" PART OF PARCEL 5
- 7) DEED REFERENCE: D.B. 1572C, PAGE 575
- 8) 5/8" IRON RODS SET ON ALL CORNERS UNLESS OTHERWISE NOTED
- 9) JAN WAY WAS DEDICATED IN P.B. 51, PAGE 192 AND P.B. 53, PAGE 391.
- 10) I HEREBY CERTIFY THAT THIS IS A CATEGORY 1 SURVEY AND THE RATIO OF PRECISION OF THIS SURVEY IS BETTER THAN 1:10,000.

CERTIFICATE OF OWNERSHIP AND DEDICATION  
I (WE) HEREBY CERTIFY THAT I (AN (WE ARE) THE OWNERS) OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT I (WE) HEREBY ADOPT THIS PLAN OF SUBDIVISION WITH MY (OUR) FREE CONSENT, ESTABLISH THE BUILDING LINES, AND DEDICATE ALL STREETS, ALLEYS, WALKS, PARKS, AND OTHER OPEN SPACES TO PUBLIC OR PRIVATE USE AS NOTED.

DATE July 29, 2011  
Daniel Victor Davis  
OWNER



ALLEY & ASSOCIATES, INC.  
SURVEYORS  
243 E. MARKET STREET  
KINGSPOINT, TENNESSEE 37880  
TELEPHONE (423) 392-8686  
FAX : (423) 392-8686

CERTIFICATE OF APPROVAL FOR 911 ADDRESSING ASSIGNMENT I HEREBY CERTIFY THAT THE ADDRESSES, AS NOTED ON THE FINAL PLAT, ARE APPROVED AS ASSIGNED. DATE <u>July 29, 2011</u> <u>Costance Campbell</u> CITY GIS DIVISION DIRECTOR OF 911 ADDRESSING		CERTIFICATE OF ACCURACY I HEREBY CERTIFY THAT THE PLAN SHOWN AND DESCRIBED HEREON IS A TRUE AND CORRECT SURVEY TO THE ACCURACY REQUIRED BY THE KINGSPOINT, TENNESSEE REGIONAL PLANNING COMMISSION AND THAT THE MONUMENTS HAVE BEEN PLACED AS SHOWN HEREON. DATE <u>07-28, 2011</u> <u>[Signature]</u> REGISTERED SURVEYOR		CERTIFICATION OF THE APPROVAL OF SEWERAGE SYSTEM I HEREBY CERTIFY THAT THE SEWERAGE DISPOSAL SYSTEM INSTALLED OR PROPOSED FOR INSTALLATION FULLY MEETS THE REQUIREMENT OF THE TENNESSEE DEPARTMENT OF ENVIRONMENT & CONSERVATION AND IS HEREBY APPROVED AS SHOWN. DATE <u>7-28, 2011</u> <u>[Signature]</u> KINGSPOINT AUTHORIZING AGENT		CERTIFICATION OF APPROVAL OF PUBLIC WATER SYSTEM I HEREBY CERTIFY THAT THE PUBLIC WATER UTILITY SYSTEM INSTALLED OR PROPOSED FOR INSTALLATION FULLY MEETS THE REQUIREMENTS OF THE KINGSPOINT WATER UTILITY SYSTEM AND IS HEREBY APPROVED AS SHOWN. DATE <u>7-28, 2011</u> <u>[Signature]</u> KINGSPOINT AUTHORIZING AGENT		CERTIFICATE OF APPROVAL FOR RECORDING I HEREBY CERTIFY THAT THE SUBDIVISION PLAT SHOWN HEREON HAS BEEN FOUND TO CONFORM WITH THE SUBDIVISION REGULATIONS FOR KINGSPOINT, 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 SULLY COUNTY REGISTER. IF REQUIRED, A SURETY BOND IN THE AMOUNT OF \$____ HAS BEEN POSTED WITH THE KINGSPOINT REGIONAL PLANNING COMMISSION TO ASSURE COMPLETION OF ALL REQUIRED MONUMENTS IN CASE OF DEFAULT. DATE <u>7-28, 2011</u> <u>[Signature]</u> SECRETARY, KINGSPOINT REGIONAL PLANNING COMMISSION	
LOT 13, SPRINGDALE PARK KINGSPOINT REGIONAL PLANNING COMMISSION						TOTAL ACRES <u>1.07</u> TOTAL LOTS <u>1</u> ACRES NEW ROAD <u>0</u> MILES NEW ROAD <u>0</u>			
OWNER <u>DANIEL VICTOR DAVIS, et ux</u> CIVIL DISTRICT <u>19TH</u>						SURVEYOR <u>ALLEY &amp; ASSOCIATES, INC.</u> CLOSURE ERROR <u>1:10,000</u>			
SCALE 1"=50'									

Pulled from Planning File Aug. 2011



- Sullivan Co Parcels
- Hawkins Co Parcels
- City and County Zoning
- Local Streets
- Private Street
- Local Street
- Collector Street
- Major Roads
- Ramp
- Expressway
- Interstate
- Minor Arterial
- Major Arterial
- River/Arroyo
- Subdivision Labels
- Golf Course
- Hospital
- Schools
- Fire Stations
- Hydrography
- Urban Growth Boundary



155 ft

1241 Jan Way

## MINUTES KINGSPORT BOARD OF ZONING APPEALS (BZA)

Thursday December 1, 2011

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

**MEMBERS ABSENT:**

Bob Winstead Jr

**STAFF PRESENT:**

Karen Combs

**VISITORS:**

James Phillips

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Chairman Leonard called the meeting to order.

Chairman Leonard then explained the meeting procedures and asked all individuals wishing to address the Board be sworn in. All participants were sworn in.

**Public Hearing:**

**Case: 11-701-000016 – Property located at 406 Roller Street; Control Map 46H, Group H, Parcel 001.500** Requested variance of 5feet on both side yards to [Sect.114-196.(e)(1)(d)] in order to construct a 6 unit apartment building in a R-4 Medium Density Apartment District. The code requires a 10foot side yard setback. This request was changed due to the fact that Mr. Phillips has purchased adjoining property. Mr. Phillips presented the case to the Board. In his presentation, he requested a 6 foot rear yard variance and a 3 foot side yard variance. Mr. Phillips explained that the proposal was to turn the units to face Arch Street using some of lot 32 as the parking lot. When turning this development around to face Arch Street, Planning Staff asked that the two lots be re-subdivided into one lot; thus creating the need for the side yard variance request. By combining the lots into one; the new lot became a corner lot and requires a side and half or a 15 foot side yard setback. No one spoke for or against this item.

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

**Other Business:**

On a motion by Bill Sumner, the Board voted unanimously to approve the November 3, 2011 minutes as mailed.

The BZA stated for the public record the next application deadline on December 15, 2011 at noon and that the next meeting date would be on January 5, 2012.

**Adjudication of Case:**

**Case: 11-701-000016 – Property located at 406 Roller Street; Control Map 46H, Group H, Parcel 001.500**

Discussion ensued about the redevelopment of the area and how this project fits into that redevelopment. There was a brief discussion concerning whether there was a need for two separate motions because of staff's request to combine the lots actually created the hardship for the side yard variance request by making the lot a corner lot. It was decided that one motion would be appropriate.

**MOTION:** made by Bill Sumner; seconded by Frank Oglesby– To approve the request as presented contingent upon the owner re-subdividing the lots into one lot and that the development meets all parking and landscaping regulations because the narrowness of the lots does not allow the property to be used for which it is zoned and intended to be used and there was no detriment to the existing neighborhood in fact it would be an improvement to the neighborhood.

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

\_\_\_\_\_ Karen B. Combs, Principal Planner