

REZONING REPORT
File No.: 11-101-00009

TO: KINGSFORT REGIONAL PLANNING COMMISSION

FROM: Karen B. Combs, PLANNER

DATE: December 16, 2011

APPLICANT: Bobby Berry

REQUESTED ACTION: County rezoning of approximately 1.1 acres of property from R-1, Single Family Residential District to R-3, Manufactured Home Park District.

SUMMARY:

The property requesting rezoning totals approximately 1.1 acres in area and fronts along Leeland Drive. This property contains a non conforming mobile home park and has never received Planning Commission approval and is a pre-existing non-conforming use.

Mr. Berry asked to rezone this property to bring his park into compliance. However, due to the loss of expansion ability under the "grandfathered" clause even if this property were to be rezoned, the property would still not be in compliance with the zoning ordinance. Therefore, rezoning of the property would not be beneficial to Mr. Berry.

On 11/29/11 at 2:24 pm, Mr. Berry withdrew his request verbally to me. I informed the County Planner at that time. The County will only withdraw an item from their agenda if the request to withdraw is written, a verbal withdrawal is not acceptable. To date and after repeated requests from staff, Mr. Berry has not submitted a written request to withdraw.

OPTIONS:

The Planning Commission's options are as follows:

1. Send a positive recommendation to the Sullivan County Commission.
2. Send a negative recommendation to the Sullivan County Commission.
3. Postpone action pending receipt of additional information.

STAFF

RECOMMENDATION: The Kingsport Planning Division recommends Option 2 for the following reasons:

1. Mr. Berry verbally withdrew his application on 11/29/11.
2. This request is not compatible and in keeping with the existing surrounding zoning and land uses.
3. The Sullivan County Land Use plan calls for this property to remain R-1.
4. A rezoning will not bring the property into compliance and in essence will create a further non-conforming lot because the lot is only 1.1 acres and is served by septic with no public sewer.
5. The intention to place another trailer on this lot after rezoning is impossible in that the property will maintain a density ratio not acceptable in the R-3, Manufactured Home Park District.

Combs, Karen

From: Ambre Torbett [planning@sullivancountytn.gov]
Sent: Tuesday, December 13, 2011 10:25 AM
To: Tully, Lynn; Combs, Karen
Subject: Berry rezoning

Dear Karen and Lynn,

I left a message for Mr. Berry this morning regarding his withdrawal for his rezoning request. So far he has only verbally withdrawn. I promised him I would refund his money if he came in with his receipt and formally withdrew in writing. So far he has not done that. Technically we have to leave it on the agenda until he officially withdraws in writing. An email from him would be sufficient, but I have to have his receipt to take to Accounting for the refund.

Per our Mobile Home Park records and the Property Assessor's records, this trailer park existed prior to zoning. He has about 48,600 square feet of land – just over 1 acre. He had 7 trailers, but now only have 6 according to the aerial. One trailer hangs over the front property line. He wants to replace the vacant spot, but it has been gone for over 3 years. The TCA and case law provide for a 30-month window to retain the legal but non-conforming status. Therefore, even if he were to be rezoned, we could not issue a permit that exceeds the density. Thus a moot point. He is not happy, but we have to be consistent in our ruling. Also, this park never went to PC in the beginning, so it's not like he was legal and then lost it. He was never conforming to begin with. I hope this makes sense. The area is a high density but primarily single-family neighborhood with some singlewides on individual parcels and some site built homes.

I will let you know if he comes him to get his refund.

Ambre M. Torbett, AICP

Director of Planning & Codes
Notary Public (TN)

Sullivan County Government
3411 Hwy. 126, Suite 30
Blountville, TN 37617
email: planning@sullivancountytn.gov
website: www.sullivancountytn.gov
423.323.6440 - front desk
423.279.2886 - fax

11/11/2

PETITION TO SULLIVAN COUNTY FOR REZONING

A request for rezoning is made by the person named below; said request to go before the Kingsport Regional Planning Commission for recommendation to the Sullivan County Board of Commissioners.

<p>Property Owner: <u>Bobby Roy & Darlene Berry Jr.</u></p> <p>Address: <u>694 Filter Plant FRD</u> <u>Gate City VA 24251</u></p> <p>Phone <u>423-</u> Date of Request <u>11-/14/2011</u> <u>956-5589</u></p> <p>Property Located in <u>1st</u> Civil District</p> <p><u>Darlene J. Berry</u> Signature of Applicant</p>	<p><u>OFFICE USE ONLY</u></p> <p>Meeting Date <u>12/15/2011</u> Time <u>7:00PM</u></p> <p>Place <u>Kingsport Planning Commission</u> <u>City Hall 2nd floor # 229-9485</u></p> <hr/> <p>Planning Commission Approved _____ Denied _____</p> <p>County Commission Approved _____ <u>1-17-2012</u> Denied _____</p> <p>Other <u>9AM Sullivan county courthouse</u> <u>2nd floor</u></p> <p>Final Action Date _____</p>
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PROPERTY IDENTIFICATION

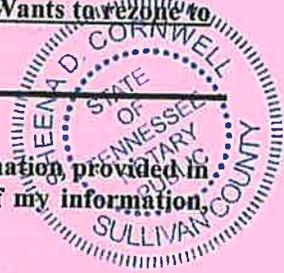
Tax Map No. 030K / Group B / Parcel 009.20

Zoning Map 6 Zoning District R-1 Proposed District R-3

Property Location : 1605 Leeland Dr. Kingsport TN

Purpose of Rezoning: Lot 3 has been vacant since 2005, lost grandfather status. Wants to rezone to gain that lot back for her mother to live in.

The undersigned, being duly sworn, hereby acknowledges that the information provided in this petition to Sullivan County for Rezoning is true and correct to the best of my information, knowledge and belief.



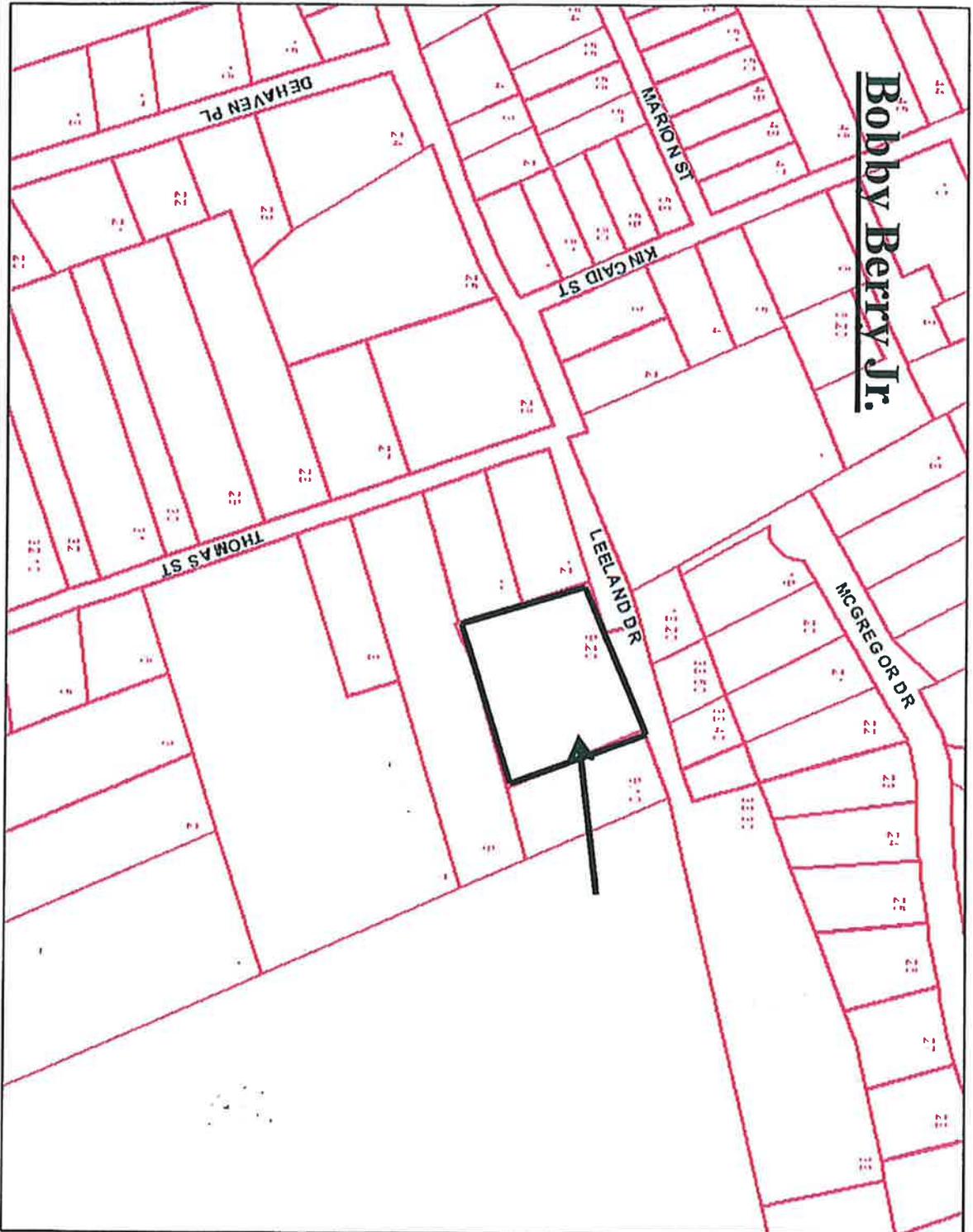
Darlene J. Berry

SWORN TO AND SUBSCRIBED before me this 14 day of November, 2011.

Sheena D. Cornwell
Notary Public

my Commission April 21, 2015
Expires

Bobby Berry Jr.



Address Data Source:
Sullivan County GIS Dept
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850 E. 22nd St.



Sullivan County, TN
Planning and Codes Dept.



Parcel Lines

Bobby Berry Jr's



Address Data Source:
Sullivan County, TN
County, TN, TN
Aerial, 2010, 2013
Bobby Berry Jr's



Sullivan County, TN
Planning and Codes Dept.



Parcel Lines