

KINGSPORT BOARD OF ZONING APPEALS AGENDA
REGULAR MEETING: February 5, 2015
Development Services Building – Bob Clear Conference Room

CALL TO ORDER – 12:00 P.M. NOON

INTRODUCTION / MEETING PROCEDURES

PUBLIC HEARING:

Case: 15-701-00001 – Property located on North Wilcox Drive, Control Map 061C, Group F, Parcel 044.00 requests a special exception to Sec 114-191(c)1 in order to construct a canine boarding facility use at this location. The property is zoned P-1, Professional Offices District.

INTERESTED PARTIES:

Owner/ Representative: Myra Gott
1614 E. Center St.
Kingsport, TN 37664
(423) 429-6550

Case: 15-701-00002 – Property located at 4222 Fort Henry Drive, Control Map 092J, Group C, Parcel 054.00 requests a 140.91 square foot variance for wall sign size allotment to Sec 114-533(8)b. The code permits a maximum of 80 square feet. The property is zoned B-3, Highway Oriented Business District.

INTERESTED PARTIES:

Owner: Ryan Broyles
200 Highland Gate Drive
Johnson City, TN 37615
(423) 956-1142

Representative: Jordan Broyles

BUSINESS:

Approval of the January 8, 2015 driving tour and regular meeting minutes

Stating for public record, the next application deadline is February 16, 2015 at noon, and meeting date (Thursday, March 5, 2015).

Staff Reports: none

ADJUDICATION OF CASES:

ADJOURNMENT:



000 North Wilcox Drive Map 61B, Parcel 44

BZA, February 2015

4222 Fort Henry Drive

esri

bing

MEMORANDUM

TO: KINGSPOINT BOARD OF ZONING APPEALS

FROM: Ken Weems, AICP, Zoning Administrator

DATE: January 14, 2015

RE: 000 North Wilcox Drive, Map 61-B, Parcel 44

The Board is asked to consider the following request:

Case: 15-701-00001 – Property located on North Wilcox Drive, Control Map 061C, Group F, Parcel 044.00 requests a special exception to Sec 114-191(c)1 in order to construct a canine boarding facility use at this location. The property is zoned P-1, Professional Offices District.

REGULAR MEETING
& PUBLIC HEARING
Kingsport Board of Zoning Appeals

NOTICE IS HEREBY GIVEN to all citizens of the City of Kingsport, Tennessee, to all persons interested, and the public at large that an open and public meeting of the Kingsport Board of Zoning Appeals scheduled for Thursday, February 5, 2015 will be conducted beginning at NOON in the Bob Clear Conference Room, on the first floor of the Development Services Building, 201 West Market Street, Kingsport, Tennessee.

A tour of the property will be conducted starting at 10:30 a.m. prior to the meeting.

Public Hearing: The Kingsport Board of Zoning Appeals will conduct a Public Hearing during this meeting to consider the following case:

Case: 15-701-00001 – Property located on North Wilcox Drive, Control Map 061C, Group F, Parcel 044.00 requests a special exception to Sec 114-191(c)1 in order to construct a canine boarding facility use at this location. The property is zoned P-1, Professional Offices District.

All interested persons are invited to attend this Public Hearing. Additional information concerning this case may be obtained by contacting City of Kingsport Planning Division staff, telephone (423) 229-9485.

City of Kingsport, Tennessee
Jim Deming, City Recorder
P1T 1/26/15



Cherry St

Garden Dr

N. Niecek Dr

Myrtle St

N. Niecek Dr

Holyoke St

Harvest St

Esiever Av

KINGSFORT

Softball Complex

Zoned R-3B

Zoned P-1

Zoned P-1C

Zoned P-1

Zoned R-3B



APPLICATION

Board of Zoning Appeals



APPLICANT INFORMATION:

Last Name **Gott** First **Myra** M.I. **Kay** Date **01/06/15**
 Street Address **1614 E. Center St.** Apartment/Unit #
 City **Kingsport** State **TN** ZIP **37664**
 Phone **423-429-6550** E-mail Address mkgott@gmail.com

PROPERTY INFORMATION:

Tax Map Information Tax map: **061-B** Group: **F** Parcel: **44.00** Lot:
 Street Address **000 Wilcox Dr.** Apartment/Unit #
 Current Zone **P-1** Proposed Zone **P-1**
 Current Use **Vacant Land** Proposed Use **Professional Dog-boarding Kennel**

REPRESENTATIVE INFORMATION:

Last Name **Gott** First **Myra** M.I. **Kay** Date **01/06/15**
 Street Address **1614 E. Center St.** Apartment/Unit #
 City **Kingsport** State **TN** ZIP **37664**
 Phone **423-429-6550** E-mail Address mkgott@gmail.com

REQUESTED ACTION:

Build a 40-run professional overnight canine boarding facility. Proposed business not intended to operate as an animal social or dog day-care facility.

Building to be equipped with acoustical tiles and sound masking system to promote low to no noise capability.

Dogs never to be outside unsupervised and/or any time after 6pm. 4' high concrete/block isolators between each run to deter natural animal aggression.

Existing trees along parameter of property to remain as public buffer. Property boundary to have parameter fence.

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: M. Kay Gott
 Signed before me on this 12th day of January 2015
 a notary public for the State of Tennessee
 County of Sullivan
 Notary Alvin Harris

Date: 1/12/2015



**HUND
HAUS
KENNEL**



Package of Intent for Hund Haus Kennel (HHK) per Existing P-1 Zoning; Sec. 114-191. - P-1,
Professional Offices District; **Article C-1, Special Exceptions**

000 Wilcox Drive; Tax map: **061-B**; Group- F; Parcel- **44.00**

1/12/2015

M. Kay Gott
1618 E. Center St.
Kingsport, TN 37664
423-429-6550

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	LINK
1. What is the use, activities, hours of operation, numbers of anticipated customers and daily vehicles?	Page: 3
2. Are there accessible safe streets for anticipated traffic and adequate parking facilities on site?	Page: 5 & 6
3. Does the use and additions if any, fit with the neighborhood architecture aesthetics?	Page: 3
4. Will the use generate excessive noise, traffic, dust, etc.?	Page: 3
5. Is there proper fencing and screening to shield proposed use from existing neighborhood?	Page: 3
6. Are there any undesirable effect upon the neighborhood's physical or environmental conditions or any adverse impacts on the health, safety and welfare of the surrounding area?	Page: 7

ORDINANCE NO. 5920

AN ORDINANCE TO FURTHER AMEND THE ZONING CODE, TEXT AND MAP, TO ZONE PROPERTY ALONG NORTH WILCOX DRIVE TO P-1, PROFESSIONAL OFFICE DISTRICT, IN THE 11th CIVIL DISTRICT OF SULLIVAN COUNTY; TO FIX A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

BE IT ORDAINED BY THE CITY OF KINGSFORT, AS FOLLOWS:

SECTION I. That the zoning code, text, and map, be and the same is hereby further amended to rezone property along North Wilcox Drive to P-1, Professional Office District in the 11th Civil District of Sullivan County; said property to be rezone being further and more particularly described as follows:

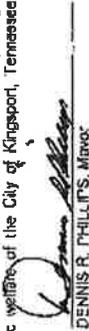
Beginning at point, said point being located along the northern edge of Holyoke Street right of way and the southwest corner of Parcel 44 on tax map 61B, control map 61C, Group F, Parcel 44 of the 2008 Sullivan County Tax Maps; thence in a northwestern direction along the northern right-of way of Holyoke Street approximately 328 feet to a point said point being the southwest corner of Parcel 44; thence in a northwestern direction along the northern right-of way of Holyoke Street approximately 50 feet to a point said point being the northeast corner of Parcel 40; thence in a northern direction approximately 136 feet to a point, said point being the center point of right of way for North Wilcox Drive; thence in an northeastern direction approximately 170 feet to a point, said point being the midpoint of the right of way for North Wilcox Drive; thence in a southeastern direction approximately 80 feet to a point said point being the northwestern corner of Parcel 44; thence in an eastern direction approximately 200 feet to a point, said point being the northeastern corner of Parcel 44; thence southern direction approximately 214 feet to the point of beginning. Said parcel contains 1.4 Acres, more or less as shown on the April 2008 Sullivan County tax map 61B, Parcel 44, control map 61C, Group F, Parcel 44.

SECTION II. Any person violating any provisions of this ordinance shall be guilty of an offense and upon conviction shall pay a penalty of FIFTY DOLLARS (\$50.00) for each offense. Each occurrence shall constitute a separate offense.

SECTION III. That this ordinance shall take effect from and after the date of its passage and publication, as the law directs, the public welfare of the City of Kingsport, Tennessee requiring it.

ATTEST:




DENNIS R. PHILLIPS, Mayor

APPROVED AS TO FORM:


J. MIC-JAEL BL-JUNGSTLEY, City Attorney

PASSED ON 1ST READING: November 17, 2009

PASSED ON 2ND READING: December 1, 2009

City of Kingsport, Tennessee, Ordinance No. 5920, December 1, 2009
Ref. At: 354-2209

It is my intent and proposal to design and build a professional indoor canine boarding facility. HHK will market to Kingsport professionals requiring convenient, safe, hygienic and affordable boarding services for their dogs while on travel status. The building will be designed with acoustical features for masking sound to promote low, to no-noise capability. Dogs will not be outside at any time without human supervision, nor will they be outside from 6pm to 6am. HHK's public receiving hours will be 6am to 6pm, Monday thru Friday. HHK will be maintained due to animal necessity after hours and weekends. HHK will offer pick-up by appointment after hours. HHK is not a grooming facility or a doggie day-care environment but our nightly rate will include a bath prior to pick-up. It is speculation that Thursdays and Fridays will be high drop-off and pick-up days with up to 20 vehicles intermittently visiting HHK site over a 12-hour period. Kennel design is to be aesthetically pleasing and blend with current neighborhood architecture.

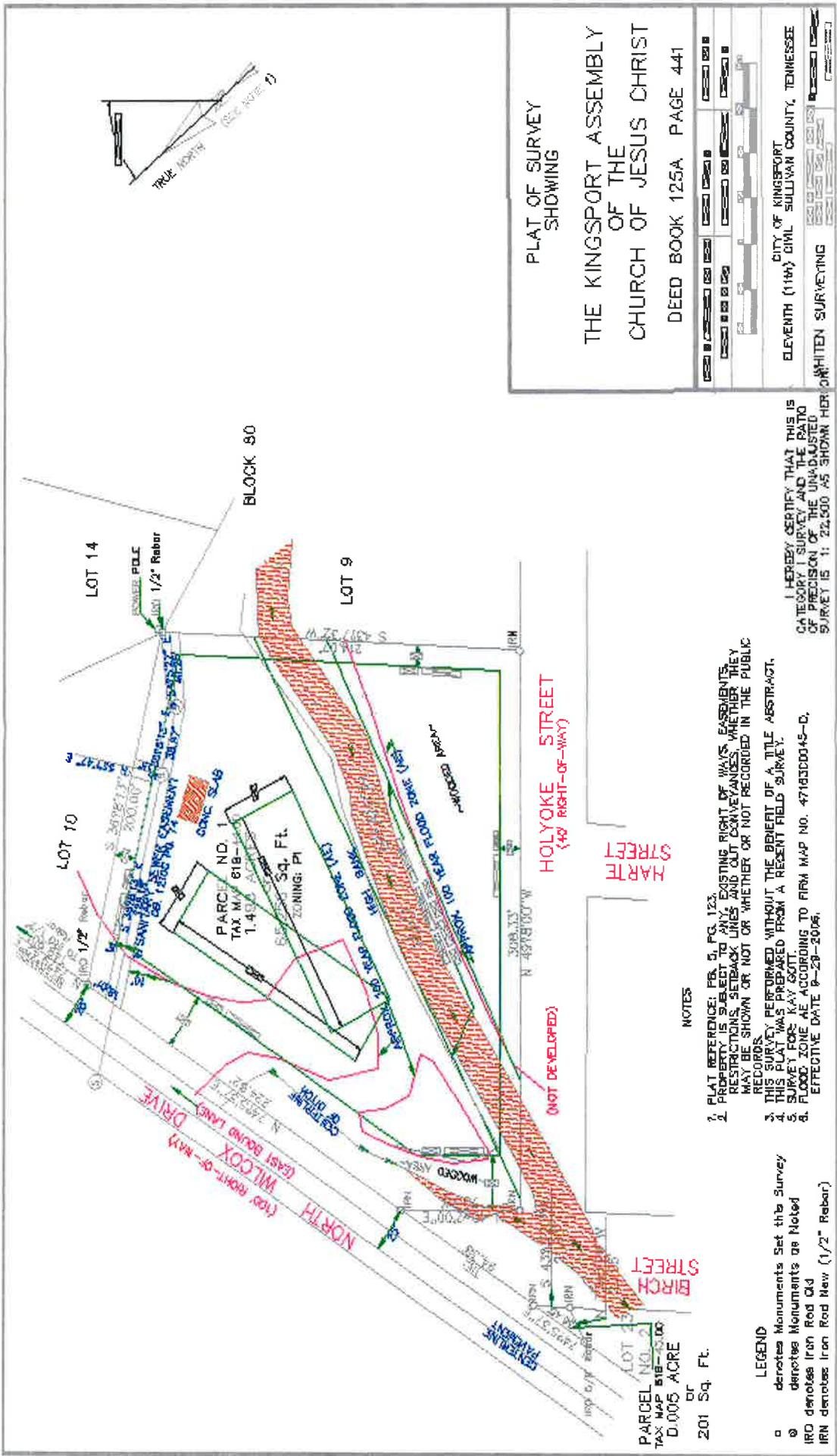
Example -



Building will be built on-slab with bottom four feet of vertical wall being of masonry material. Kennel runs are to be separated by four feet high masonry isolators between each run to deter natural animal aggression. The existing mature tree line and berm that borders the parameter (outlined in red below) are to remain as a natural public buffer. Kennel boundary to have parameter fence. Yellow shape shown in example below represents proposed buffer hedge. The example clip below also shows existing driveway and required green spaces.



Survey plat provided by Steve Whiten, Whiten Surveying.



PLAT OF SURVEY
SHOWING
THE KINGSFORT ASSEMBLY
OF THE
CHURCH OF JESUS CHRIST
DEED BOOK 125A PAGE 441

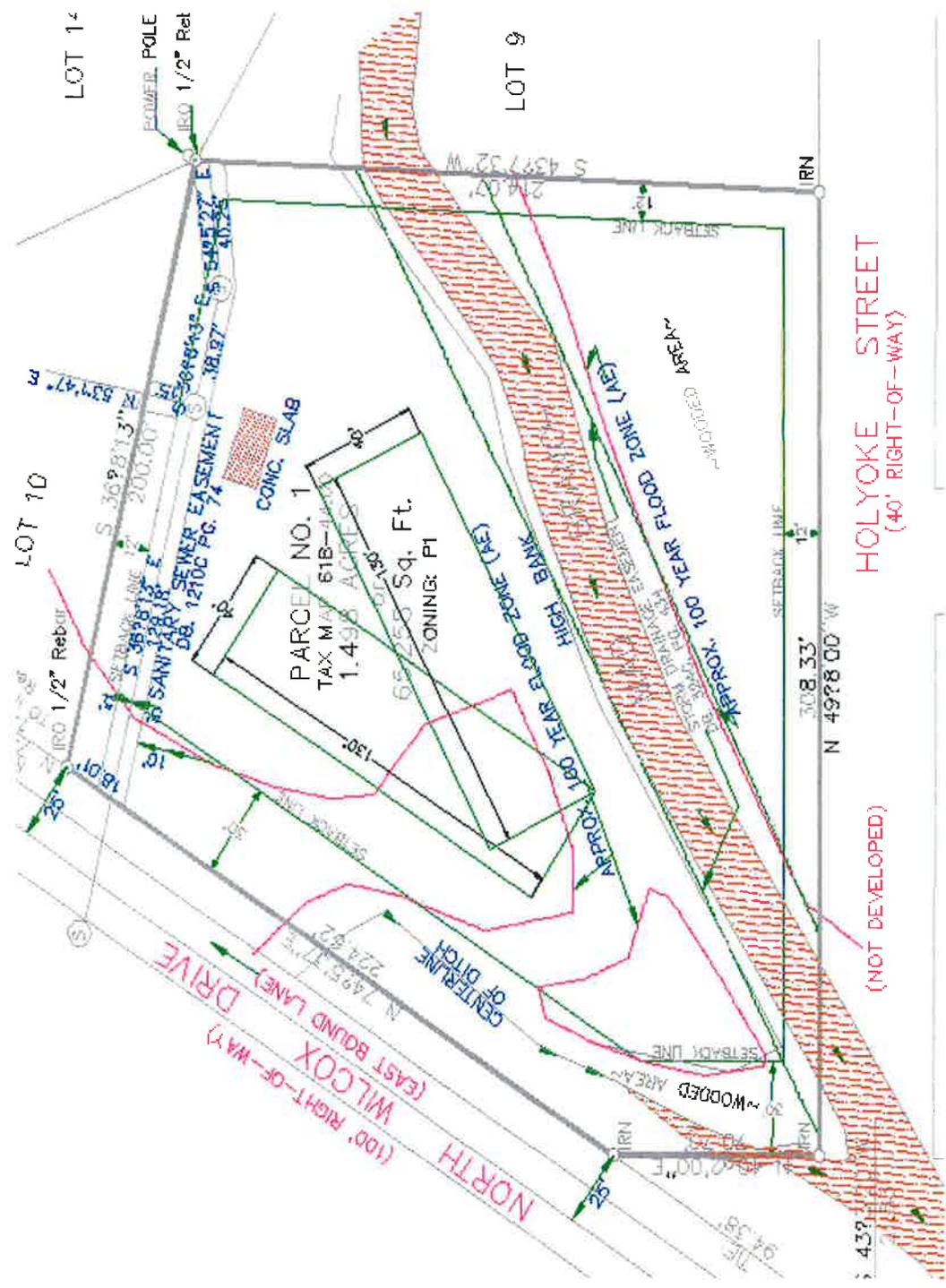
<p>CITY OF KINGSFORT ELEVENTH (11th) CIVIL SULLIVAN COUNTY, TENNESSEE WHITEN SURVEYING</p>	<p>LEGEND</p> <ul style="list-style-type: none"> ○ denotes Monuments Set in the Survey ⊙ denotes Monuments as Noted IR0 denotes Iron Rod Old IRN denotes Iron Rod New (1/2" Rebar)
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NOTES

1. PLAT REFERENCE: PG. 5, PG. 123.
2. PROPERTY IS SUBJECT TO ANY EXISTING RIGHT OF WAY EASEMENTS, RESTRICTIONS, SETBACK LINES AND OUT CURVEMENTS, WHETHER THEY MAY BE SHOWN OR NOT OR WHETHER OR NOT RECORDED IN THE PUBLIC RECORDS.
3. THIS PLAT WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE ABSTRACT.
4. THIS PLAT WAS PREPARED FROM A RECENT FIELD SURVEY.
5. SURVEY FOR KAY GOTT
6. FLOOD ZONE AS ACCORDING TO FIRM MAP NO. 47163D0045-D, EFFECTIVE DATE 8-28-2004.

I HEREBY CERTIFY THAT THIS IS
CATEGORY I SURVEY AND THE RATIO
OF PRECISION OF THE UNADJUSTED
SURVEY IS 1: 22,500 AS SHOWN HER

Following expanded detail shows two possible building locations within code setbacks for 130' by 40' rectangular building with enough square footage to accommodate ample parking.



Red arrows in following aerial clip reflect traffic circulation pattern access for Hund Haus Kennel.



All clients must provide annual record of current canine vaccinations, including Bordetella. It is the clients' responsibility to insure that canine's records are kept up to date, yearly.

HHK's over-night boarding fee is \$15 a night and includes a bath prior to pick-up and a healthy scientific diet. Clients are welcome to supply their dog's preferred food and treats but no concessions will be made to boarding fee.

Check-in time is after 4pm, Monday through Friday.

Check-out time is prior to 11am, Monday through Friday and by appointment after hours.

Reservations will be held with credit card at one-night's stay (\$15+tax); full reimbursement cancelation available up to 24 hours prior to check-in.

Full accommodation will be processed at check-in to expedite a speedy check-out.

Additionally, this property is currently a neighborhood nuisance due to homeless inhabitants. One particular neighbor on Holyoke St. has noted past aggressive issues with the individuals who hang-out on the property. It has also been noted that an existing corner "convenience" store, which sales beer, could be a contributing factor. When I first met the surveyor on the property, we were approached by a questionable individual that appeared out of nowhere. Upon purchase of the property, I had a derelict RV removed.

I plan to give back to the community by working with local high schools counselors to develop co-op programs providing advanced-placement students, who are enrolled in college-bound curriculums, an opportunity to explore an environment related to veterinary science. The program will also provide paying positions for the children possibly aiding in college tuition costs.

It is my intent to be a good neighbor and enrich the neighborhood in hopes of adding value to my home town of Kingsport Tennessee.

Off-Street Parking Requirements –

In regards to my recent research pertaining to city, state and national standards for off-street parking ratios, the results varied tremendously.

I could not find any reference to Kingsport's recommendation for off-street parking requirements. I found one specific guideline in the;

Building Services & Code Enforcement
451 South State Street, Room 215
PO Box 145490
Salt Lake City, UT 84114
www.slcpemits.com
801-535-6000
Updated 10-2012



On the last page of the inserted document, it states a recommended guideline as follows;

"Miscellaneous

**Kennels (public) or public stables
1 space per 2 employees"**

Based on the minimum guideline for Kennels, which is lacking in my perspective, I plan to provide approximately 10 parking spaces. I proposed to have one full-time employee, 2 part-time employees and an intern on staff.

MEMORANDUM

TO: KINGSFORT BOARD OF ZONING APPEALS

FROM: Ken Weems, AICP, Zoning Administrator

DATE: January 14, 2015

RE: 4222 Fort Henry Drive

The Board is asked to consider the following request:

Case: 15-701-00002 – Property located at 4222 Fort Henry Drive, Control Map 092J, Group C, Parcel 054.00 requests a 140.91 square foot variance for wall sign size allotment to Sec 114-533(8)b. The code permits a maximum of 80 square feet. The property is zoned B-3, Highway Oriented Business District.

From a zoning code perspective, the proposed structure is classified as a multi-tenant center composed of both a Dunkin' Donuts and a Road Runner Market. In a B-3 zone, each tenant is allowed a total maximum of 80 square feet of wall signage. While the proposed Road Runner Market wall sign total is under the maximum of 80 square feet, the Dunkin' Donuts is proposed as a total of 220.91 square feet. The variance request of 140.91 square feet for wall signs pertaining to Dunkin' Donuts is the square footage proposed as above and beyond the maximum of 80 square feet allowed by the code.

REGULAR MEETING
& PUBLIC HEARING
Kingsport Board of Zoning Appeals

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A tour of the property will be conducted starting at 10:30 a.m. prior to the meeting.

Public Hearing: The Kingsport Board of Zoning Appeals will conduct a Public Hearing during this meeting to consider the following case:

Case: 15-701-00002 – Property located at 4222 Fort Henry Drive, Control Map 092J, Group C, Parcel 054.00 requests a 140.91 square foot variance for wall sign size allotment to Sec 114-533(8)b. The code permits a maximum of 80 square feet of wall sign. The property is zoned B-3, Highway Oriented Business District.

All interested persons are invited to attend this Public Hearing. Additional information concerning this case may be obtained by contacting City of Kingsport Planning Division staff, telephone (423) 229-9485.

City of Kingsport, Tennessee
Jim Deming, City Recorder
PIT 1/26/15



APPLICATION
Board of Zoning Appeals



APPLICANT INFORMATION:

Last Name	Broyles	First	Ryan	M.I.	W	Date	1/13/15
Street Address	200 Highland Gate Dr.			Apartment/Unit #			
City	Johnson City	State	TN	ZIP	37615		
Phone	423-956-1142	E-mail Address	rbroyles@meoc.com				

PROPERTY INFORMATION:

Tax Map Information	Tax map: 92J	Group: C	Parcel: 054.00	Lot: 1
Street Address	4222 Fort Henry Drive			Apartment/Unit # n/a
Current Zone	B-3	Proposed Zone	same	
Current Use	vacant	Proposed Use	Roadrunner Market and Dunkin' Donuts	

REPRESENTATIVE INFORMATION:

Last Name	Broyles	First	Jordan	M.I.	D	Date	1/13/15
Street Address	809 E Chilhowie Ave.			Apartment/Unit #			
City	Johnson City	State	TN	ZIP	37601		
Phone	423-302-9024	E-mail Address	jbroyles@meoc.com				

REQUESTED ACTION:

Variance to Sec 114-533 (8) b. of 140.91 sq. ft. pertaining to wall sign allotment for a Dunkin' Donuts

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: [Handwritten Signature] Date: 1-13-15

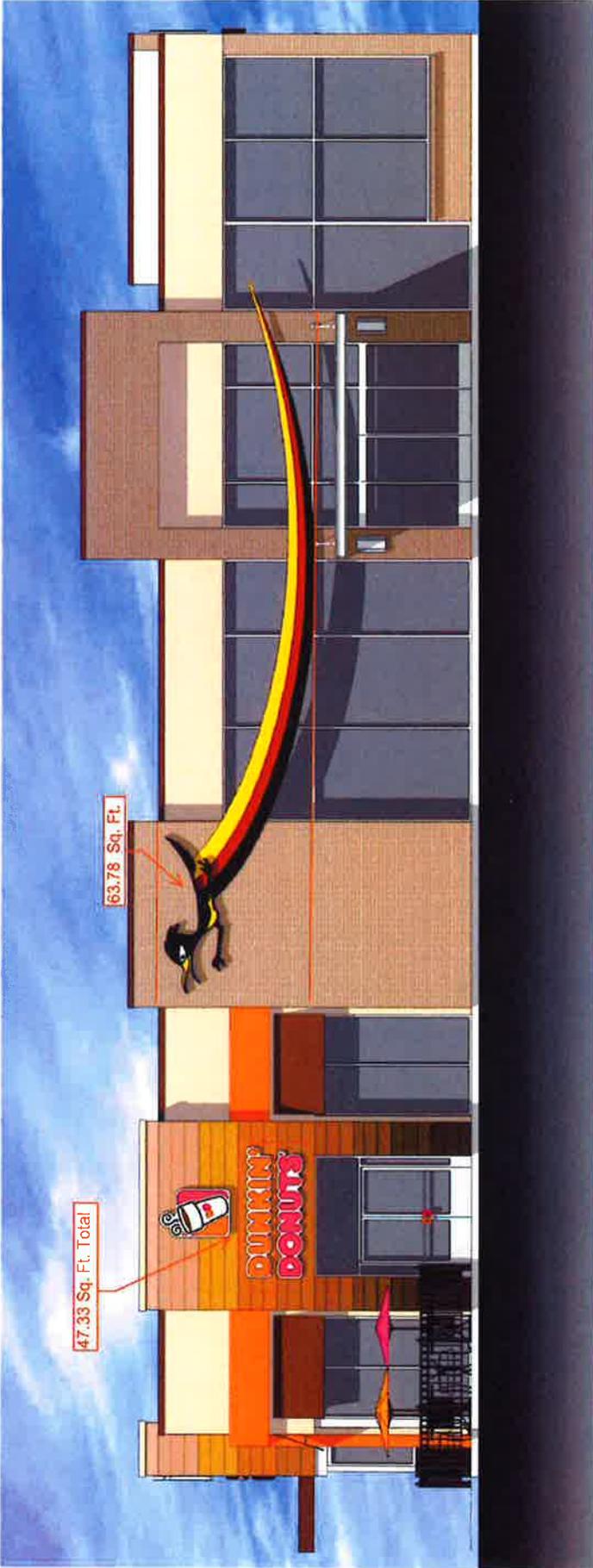
Signed before me on this 13th day of January, 2015.

a notary public for the State of Tennessee

County of Washington

Notary Kathy L. Watts





○ FRONT ELEVATION

○ NOT TO SCALE

Roadrunner #145
4222 Fort Henry Dr.
Kingsport, TN

EDWARDS + HOTCHKISS ARCHITECTS
Edwards + Hotchkiss Architects, P.C.
Two Brentwood Commons
750 Old Hickory Blvd., Suite 250
Brentwood, TN 37027-4528
P.615.377.3111
F.615.377.0978
www.eandharch.com



PROPOSED



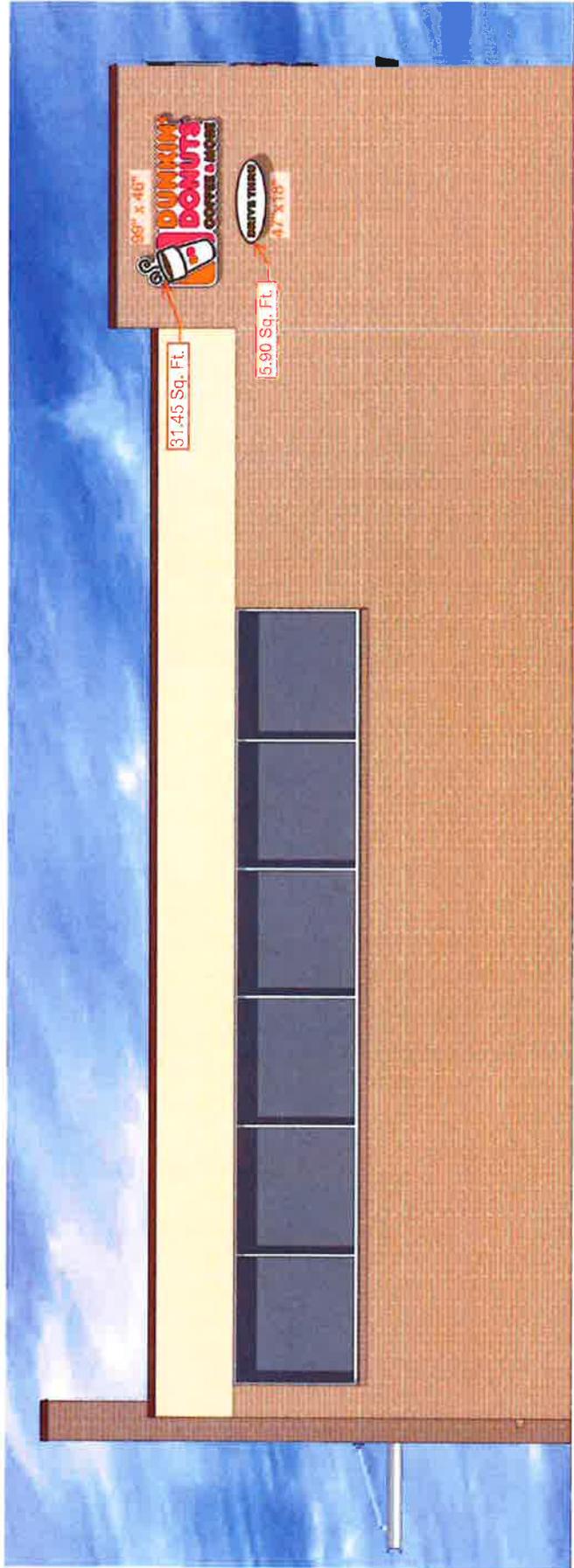
○ LEFT ELEVATION
NOT TO SCALE

Roadrunner #145
4222 Fort Henry Dr.
Kingsport, TN

EDWARDS + HOTCHKISS ARCHITECTS
Edwards + Hotchkiss Architects, P.C.
Two Brentwood Commons
750 Old Hickory Blvd., Suite 250
Brentwood, TN 37027-4528
P.615.377.3111
F.615.377.0978
www.eandharch.com



PROPOSED



31.45 Sq. Ft.

5.90 Sq. Ft.



RIGHT ELEVATION

NOT TO SCALE

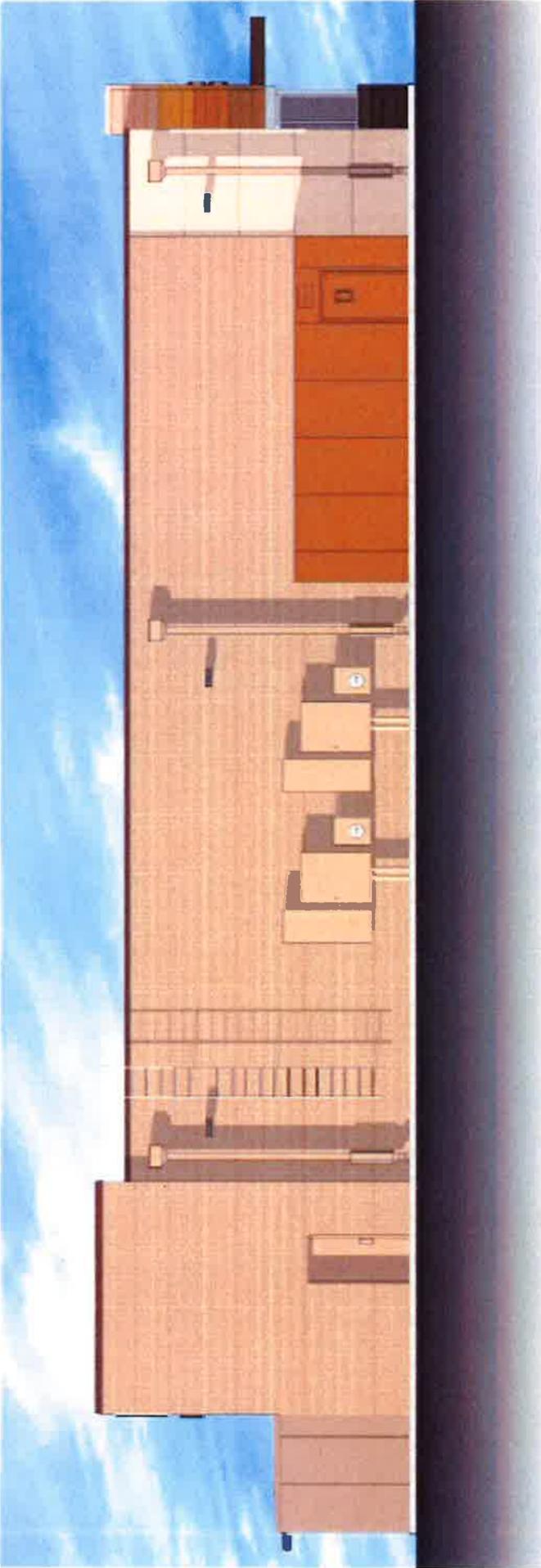
Roadrunner #145
4222 Fort Henry Dr.
Kingsport, TN



PROPOSED

EDWARDS + HOTCHKISS ARCHITECTS
Edwards + Hotchkiss Architects, P.C.
Two Brentwood Commons
750 Old Hickory Blvd., Suite 250
Brentwood, TN 37027-4528
P.615.377.3111
F.615.377.0978
www.eandharch.com





REAR ELEVATION
NOT TO SCALE



E + H ARCHITECTS P.C.
 TWO EIGHT SIX SEVEN FOUR SEVEN ONE SIX
 TWO ZERO ZERO FOUR SEVEN SEVEN SEVEN
 SUITE 100
 FORT WORTH, TEXAS 76107
 FORT WORTH, TEXAS 76107
 WWW.EHARCHITECTS.COM



ROADRUNNER MARKET #145
WITH DUNKIN' DONUTS
 4727 FORT HENRY DRIVE
 KINGSPORT, TN

Variance Worksheet – Finding of Facts

Variations. 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.

The building on this property will have two tenants, Dunkin Donuts (w/drive thru) and Roadrunner Markets. Due to the dimensions (narrowness) of the property the building will be set back 127' from the front property line to allow for the gasoline dispensers/canopy and to ensure safety of traffic entering and exiting the property and safety of traffic while on the property. With the building set back 127' from the property line, visibility of the Dunkin Donuts is greatly reduced due to abutting properties, Pal's and Bank of Tennessee, whose buildings are much closer to the front property line.

- b. The manner in which the strict application of this chapter would deprive the applicant of a reasonable use of the land.

Due to the distance of the building from the street, visibility for the Dunkin Donuts is greatly reduced until you are driving directly by the property. The distance necessitates a larger sign over the Dunkin Donuts front door entrance to ensure visibility. At the left elevation of the building is the Dunkin Donuts drive thru which also has signage (same size signage as front door signage) over the drive thru canopy. This signage is equally important as it lets customers know there is a drive thru (70% of sales are drive thru) at this location. Also on the left elevation is an outline of a "coffee cup" (not internally illuminated) that is attached to the dryvit. This "coffee cup" is considered signage by the City of Kingsport. The "coffee cup" is part of the Dunkin Donut motif that gives Dunkin Donuts its signature look. Without this outline, the left elevation wall will be very bland and will be outside of Dunkin's Brand Standard that will require a waiver to eliminate. Lastly, on the right elevation of the building there is a proposed Dunkin Donuts W/ Drive Thru sign that is meant to ensure customers know that we have a drive thru and that the drive thru is accessed on that side of the building.

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.

The signage is part of Dunkin Donut's signature look.

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

We feel our Dunkin Donut sign package request is reasonable and in keeping with the 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 OF THE DRIVING TOUR OF THE
KINGSPORT BOARD OF ZONING APPEALS (BZA)**

January 8, 2015

10:30 a.m.

Members Present:

Leland Leonard, Chairman
Bill Sumner

Members Absent

Frank Oglesby, Vice Chairman
Bob Winstead, Jr.
Sharon Duncan

Staff Present:

Ken Weems, AICP

At 10:30 a.m., the BZA departed the Development Services Building, 201 W. Market St. to conduct a driving tour of 315 Clinch Street and 1817 Avalon Street, both of which were to be considered for a variance request during the day's regular meeting. The Board took note of the surrounding neighborhood conditions for both locations, examining existing conditions. No official action was taken.

The driving tour concluded at 11:10 a.m.

Respectfully Submitted,

Ken Weems, AICP, Principal Planner

MINUTES OF THE KINGSPORT BOARD OF ZONING APPEALS (BZA)

January 8, 2015, Regular Meeting

Noon

Bob Clear Conference Room, 1st floor of the Development Services Building

Members Present:

Leland Leonard, Chairman
Frank Oglesby, Vice Chairman
Bob Winstead Jr.
Bill Sumner
Sharon Duncan

Members Absent

none

Staff Present:

Ken Weems, AICP
Page Jeffers

Visitors:

Michael Whitt
Robin Smith

Chairman Leonard called the meeting to order.

Chairman Leonard explained the meeting procedures.

Public Hearing:

Case: 14-701-00010 – Property located at 315 Clinch Street, Control Map 046J, Group J, Parcel 048.00 requests a 20.9 foot front yard variance to Sec 114-183(e)(1)(c) in order to construct a covered deck at this location. The code requires a 30 foot front yard setback. The applicant also requests an 18 foot rear yard variance to Sec 114-183 (e)(1)(e) in order to construct a covered deck at this location. The code requires a 30 foot rear yard setback. The property is zoned R-1B, Residential District.

Mr. Michael Whitt, the property owner, was sworn in by Ms. Page Jeffers. Mr. Whitt presented the case to the board. Mr. Whitt explained the need for the requested front and rear yard variances due to his desire to build covered decks in both the front and rear of the home. The Board noted the similar existing home features that surround Mr. Whitt's property. Chairman Leonard noted that instead of identifying the requested additions to the home as covered decks, they were actually stoops. Additionally, the Chairman noted that the front and rear 30 foot setback of the home actually bisected the house itself. Staff commented that although the existing home was in violation of zoning setbacks, it was considered legal, non-conforming structure due to its construction prior to the modern-day zoning code. Mr. Whitt acknowledged that prior to the start of renovating the home, it had a small stoop in place on the front of the house.

Chairman Leonard seeing no one else wishing to speak closed the public hearing.

Case: 14-701-00011 – Property located at 1817 Avalon Street, Control Map 046M, Group D, Parcel 032.00 requests a 2,295 square foot variance for minimum lot size to Sec 114-183(e)(1)(a) in order to subdivide the property. The code requires a 7,500 square foot minimum lot. The property is zoned R-1B, Residential District.

Ms. Robin Smith, representing the property owner, was sworn in by Ms. Page Jeffers. Ms. Smith presented the case to the board. Ms. Smith explained that the property, which currently contains two single family homes needed to be subdivided for one of the homes to sell. Ms. Smith commented that in order to subdivide, a minimum of one of the properties would need to be subdivided with less than 7,500 feet of lot area, which resulted in the variance request.

Chairman Leonard seeing no one else wishing to speak closed the public hearing.

Other Business:

On a motion by Bill Sumner, seconded by Sharon Duncan, the Board voted unanimously to approve the minutes of the October 2, 2014 regular meeting.

The Board stated for public record the next application deadline is on January 15, 2015 at noon. The next scheduled meeting will be held on February 5, 2015.

The Chairman turned the meeting over to Mr. Weems to conduct officer elections for the 2015 year. Mr. Weems opened the floor for Chairman nominations. Mr. Oglesby nominated Chairman Leonard for Chairman. Mr. Sumner seconded the nomination. The election of Chairman Leonard for the Chairman position passed unanimously. Mr. Weems then opened the floor for Vice Chairman nominations. Mr. Sumner nominated Mr. Oglesby for Vice Chairman. Ms. Duncan seconded the nomination. The election of Vice Chairman Oglesby for the Vice Chairman position passed unanimously.

Staff Report:

Planner Ken Weems commented that each Board member had met the required training for 2014. Mr. Weems also commented that he would search for training opportunities that fall early in 2015, so the Board would have an opportunity to obtain their training hours early in the year.

Adjudication of Cases:

Case: 14-701-00010 – Property located at 315 Clinch Street, Control Map 046J, Group J, Parcel 048.00

Ms. Duncan stated that when she drove by the property, she saw that many of the surrounding properties had similar features to the request. Chairman Leonard stated that the house on the property could not be built where it is based on current zoning setbacks without variance relief. The Board recognized that many of the surrounding homes were built very close to the street that serves them.

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 lot in question currently contains two single family homes with two sides of the lot having road frontage. Subdivision of*

the property to conform with current zoning code requirements will change the setback requirements for the structure in question, thus imposing a more restrictive setback on the front and rear of the structure itself.

2. The manner in which the strict application of this chapter would deprive the applicant of a reasonable use of the land. *The reasonable use of the lot is compromised both due to orientation of the home on the lot and due to the change in setback requirements as a result of 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 home location and current lot configuration is not a result of actions of 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. *The variance will preserve the character of the neighborhood while allowing the same use as adjacent properties. It has been observed that the structure is currently one of the few in the neighborhood that does not have a stoop.*

MOTION: made by Bill Sumner, seconded by Sharon Duncan to grant the variance of 20.9' to the front yard as requested, as well as 18' to the rear yard as requested in order to build stoops on both the front and rear of the structure with the condition that the character of the construction and color scheme of the stoops will match the existing home and roof.

VOTE: 4-0 to approve the request.

Case: 14-701-00011 – Property located at 1817 Avalon Street, Control Map 046M, Group D, Parcel 032.00

Mr. Winstead inquired as to why the two homes on the property didn't propose to be subdivided in equal parts. Mr. Weems stated that staff had advised the property owner to give a full 7,500 sq. ft. to one of the proposed parcels, thus only requiring a variance to minimum lot size for one of the proposed lots. Mr. Winstead requested identification of the hardship necessary to grant a variance on the property. Vice Chairman Oglesby noted that the unique hardship on this property is that two homes were built on the same lot unlike the surrounding properties. Additionally, the Vice Chairman noted that a reasonable use of the land would be prevented due to the multiple principal structures located on the lot, if not able to subdivide the property. Chairman Leonard stated that it would be impossible to build two homes on the lot today without the need of variance relief.

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 lot in question currently contains two single family homes. This feature is not the case with adjacent lots, however the size of the lot is very similar to surrounding homes.*

2. The manner in which the strict application of this chapter would deprive the applicant of a reasonable use of the land. *The reasonable use of the lot is compromised due to the current non-conforming status of both homes on the lot (multiple principal structures on one lot in a residential zone). This aspect of the variance request would deprive the owner of a reasonable use of the lot in that a single home could not be subdivided without variance relief.*
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 home locations and current lot configuration is not a result of actions of 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. *The variance will preserve the character of the neighborhood while allowing the same use as adjacent properties. With subdivision being allowed once a minimum lot size is granted, the lot in question will have a similar configuration to existing lots in that both homes on the current lot will be on their own parcel.*

MOTION: made by Bill Sumner, seconded by Sharon Duncan to grant the variance of 2,295 square feet for minimum lot size.

VOTE: 4-0 to approve the request.

With no further business the meeting was adjourned at 12:30 p.m.

Respectfully Submitted,

Ken Weems, AICP, Zoning Administrator