

KINGSPORT BOARD OF ZONING APPEALS AGENDA
REGULAR MEETING: January 9, 2020
Development Services Building – Bob Clear Conference Room

CALL TO ORDER – 12:00 P.M. NOON

INTRODUCTION / MEETING PROCEDURES

PUBLIC HEARING:

Case: 19-701-00033 – Property located at 1429 Rock Springs Road, Control Map 105, Parcel 098.00, requests an 83 square foot variance to Sec 114-230(b) and a 33 square foot variance to Sec 114-533(9)b(2) for the purpose of creating a new lot and erecting a new freestanding sign. The property is zoned B-4P, Planned Business District.

INTERESTED PARTIES:

Owner: David Blackburn
2088 Old Taylor Road
Oxford, MS 38655
662.513.4194

Representative: Berry Benjamin

Case: 19-701-00034 – Property located at 2330 Fort Henry Drive, Control Map 062I, Group J Parcels 001.00, 002.00, and 003.00, requests a 30 foot landscape buffering variance to Sec 114-600(d)4(a) and an 80 foot variance for accessory structure location to Sec 114-133(2) for the purpose of razing and rebuilding the existing restaurant. The property is zoned B-3, Highway Oriented Business District.

INTERESTED PARTIES:

Owner: McDonald's USA LLC
110 N Carpenter St.
Chicago, IL 60607
865.322.1954

Representative: Kristin Lang

Case: 19-701-00035 – Property located at 1525 Pineola Avenue, Control Map 061F, Parcel 042.00, requests a 6.68 side yard to Sec 114-183(e)1(d) for the purpose of constructing an addition to the existing home. The property is zoned R-1B, Residential District

INTERESTED PARTIES:

Owner: Corey Hall
1525 Pineola Avenue

Kingsport, TN 37664
423.863.5742

Representative: Corey hall

BUSINESS:

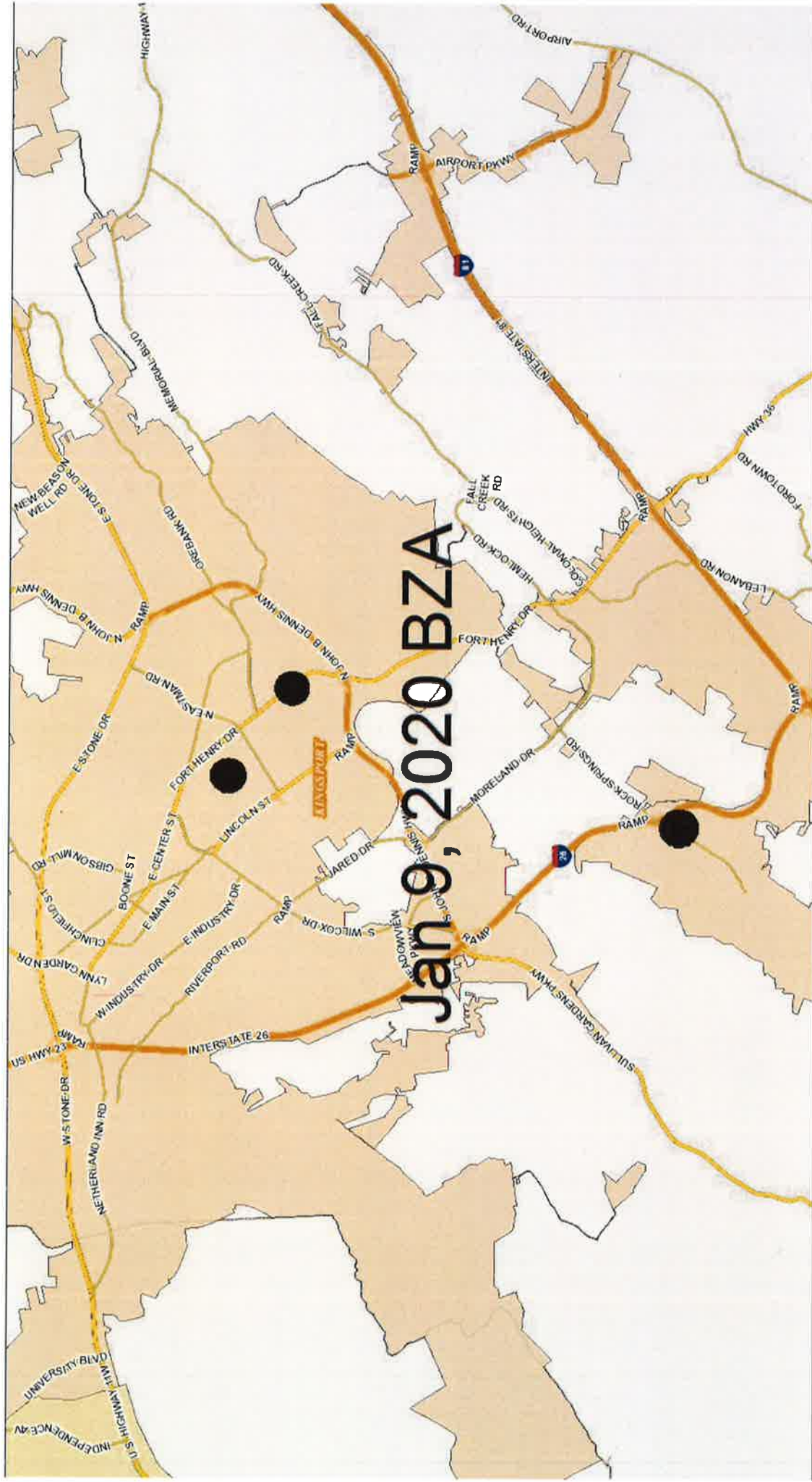
Approval of the December 5, 2019 driving tour and regular meeting minutes.

Stating for public record, the next application deadline is January 15, 2020 at noon, and meeting date (Thursday, February 6, 2020).

ADJUDICATION OF CASES:

ADJOURNMENT:

ArcGIS Web Map



23/2019, 2:20:52 PM

1:72,224





TO: KINGSPORT BOARD OF ZONING APPEALS

FROM: Ken Weems, AICP, Planning Manager

DATE: December 23, 2019

RE: 1429 Rock Springs Road

The Board is asked to consider the following request:

Case: 19-701-00033 – Property located at 1429 Rock Springs Road, Control Map 105, Parcel 098.00, requests an 83 square foot variance to Sec 114-230(b) and a 33 square foot variance to Sec 114-533(9)b(2) for the purpose of creating a new lot and erecting a new freestanding sign. The property is zoned B-4P, Planned Business District.

New lots in the B-4P zoning district require a minimum of 150 feet of road frontage. The applicant has proposed a new lot that contains a total of 67 feet of road frontage. The size of freestanding signs in the B-4P district are tied to road frontage for size calculation. A 100 square foot sign is proposed, which will require its own 33 square foot variance to conform to the proposed lot. The district allows one square foot of freestanding sign for every foot of public street frontage contained on the lot (capped at a 100 square foot maximum).

ArcGIS Web Map



9/2019, 3:48:04 PM

Kpt 911 Address

Sullivan County Parcels

Hawkins County Parcels

ArcGIS Web Map



9/2019, 3:48:36 PM

1:2,257

0 0.0275 0.055 0.11 n
0 0.0425 0.085 0.17 km

	Sullivan County Parcels		Hawkins County Parcels		Zoning
	Kpt911 Address		<Null>		TAC
	R-5		R-4		R-1B
	GC		R-1C		R-2
	B-2E		R-3		R-3A
	A-1		R-3B		R-1A
	A-2		PMD-1		PMD-2
	AR		PUD		PVD
	B-4P		R-1		R-1A
	B-1		R-1A		R-1A
	B-2		R-1A		R-1A
	B-3		R-1A		R-1A
	B-3		R-1A		R-1A
	B-4		R-1A		R-1A
	B-4P		R-1A		R-1A
	MX		R-1A		R-1A
	P-1		R-1A		R-1A
	P-D		R-1A		R-1A
	PBD-3		R-1A		R-1A
	PBD/*		R-1A		R-1A
	PD		R-1A		R-1A
	Split		R-1A		R-1A
	TA		R-1A		R-1A
	TA-C		R-1A		R-1A
	UAE		R-1A		R-1A

Web AppBuilder for Arc

APPLICATION
Board of Zoning Appeals



APPLICANT INFORMATION:

Last Name Blackburn First David M.I. _____ Date 11/29/2019
Street Address 2088 Old Taylor Road Apartment/Unit # _____
City Oxford State MS ZIP 38655
Phone 662-513-4194 E-mail Address _____

PROPERTY INFORMATION:

Tax Map Information Tax map: 105 Group: _____ Parcel: 098.00 Lot: _____
Street Address 1429 Rock Springs Road Apartment/Unit # _____
Current Zone B-4P Proposed Zone N/A
Current Use Undeveloped Proposed Use Commercial/Retail

REPRESENTATIVE INFORMATION:

Last Name Berry First Benjamin M.I. M Date 11/29/2019
Street Address 3555 Keith Street NW, Suite 109 Apartment/Unit # _____
City Cleveland State TN ZIP 37312
Phone 423-790-5880 E-mail Address ben@berryengineers.com

REQUESTED ACTION:

We would like to request a variance from the 150' minimum lot frontage requirement to 67'. The frontage on this parcel is mostly TDOT controlled access, therefore, we are proposing a shared entrance driveway. The shared driveway will be owned by Tract 1 with an access easement for the remaining tract. However, the desire is for the remaining tract to own the strip of land along the frontage which will be used to access this shared driveway.

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: _____

Date: 12/2/19

Signed before me on this 2nd day of December, 2019,
a notary public for the State of Mississippi
County of Lafayette
Notary Kayla Martin
My Commission Expires 11.5.2021



Variance Worksheet – Finding of Facts

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.

Controlled access by TDOT is present due to the proximity to the interstate. This limits the property to one shared drive since TDOT will be unwilling to allow another driveway close by.

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

The remaining parcel needs to own the land up to the shared driveway. This creates a clear division of maintenance, responsibility, and liability.

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.

Controlled access is a condition established and maintained by TDOT.

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

This variance will allow the use of a shared driveway.

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.



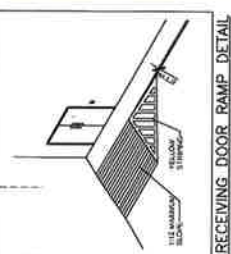
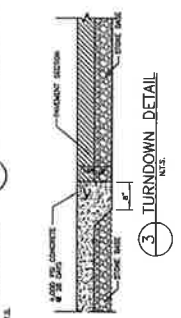
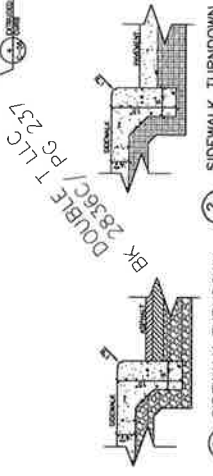
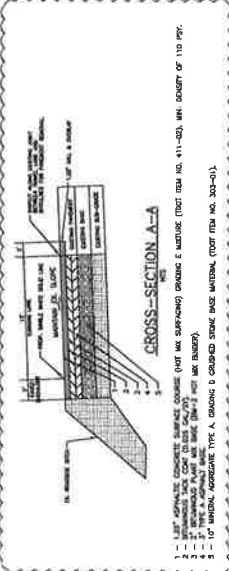
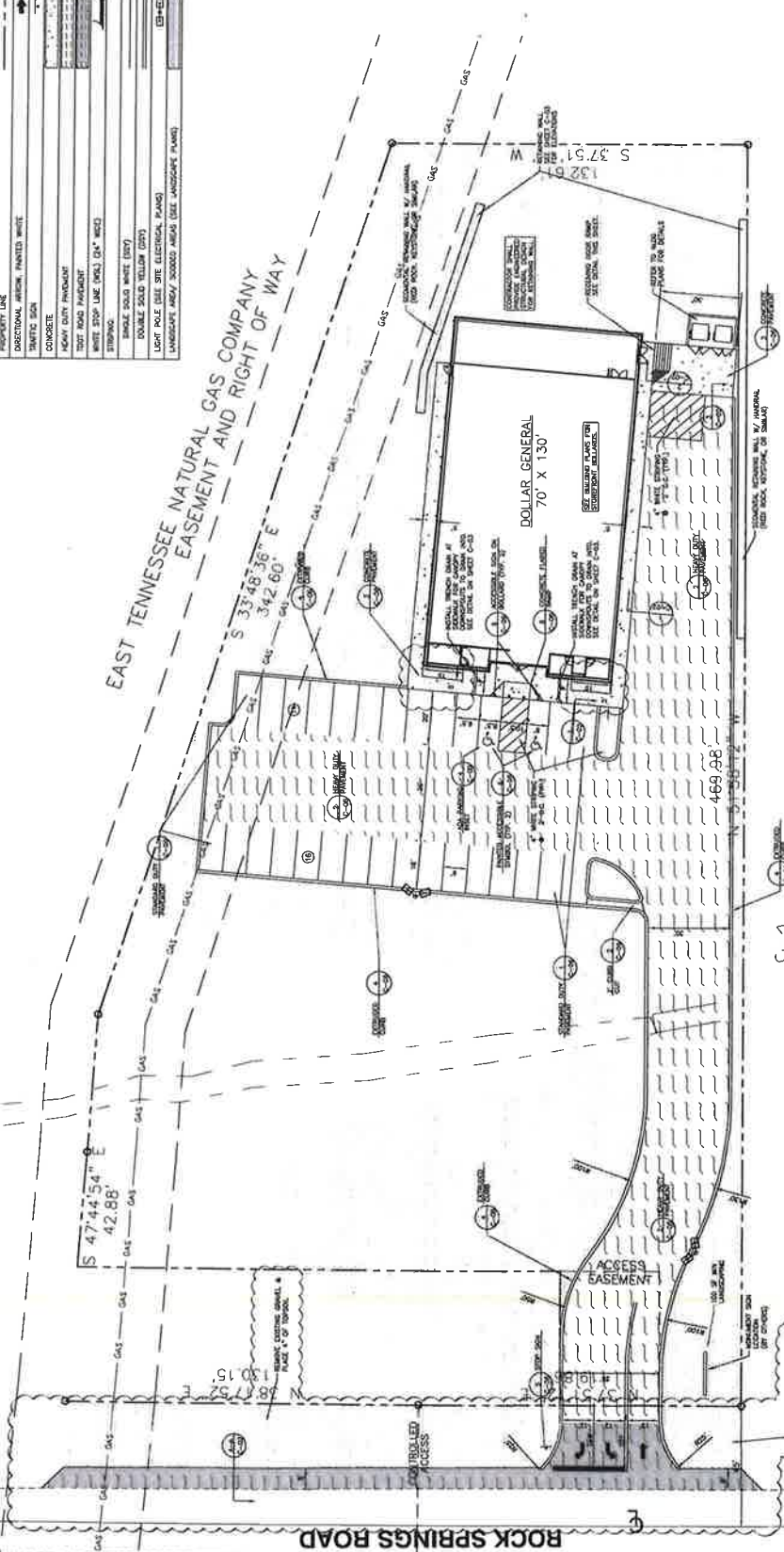
NO.	DATE	DESCRIPTION
1	11/22/19	ISSUED FOR PERMITS
2		
3		
4		
5		
6		
7		
8		
9		
10		

SHEET NAME
SITE LAYOUT & PAVING PLAN

DATE: 10/12/2019
 DRAWN BY: CSH
 CHECKED BY: BMB
 PROJECT NO: 19015
 SHEET NUMBER

PARKING & PAVING LEGEND

PROPERTY LINE	---
OBSTRUCTION, ASPHALT, FINISHED WHITE	—•—
ASPHALT DRIVE	—•—
CONCRETE	—•—
ASPHALT DRIVE FINISHER	—•—
ASPHALT DRIVE FINISHER	—•—
WHITE STOP LINE (WAL) (4" WIDE)	—•—
STOPPING	—•—
BRICK PAVED DRIVE (DRY)	—•—
DOUBLE SOLID YELLOW (DRY)	—•—
LANDSCAPE (SEE 300000 AREA) (SEE LANDSCAPE PLAN)	—•—



CERTIFICATION OF THE APPROVAL OF STREETS AND STORMWATER SYSTEMS
 I hereby certify (1) that subdivision plans have been approved; (2) that streets and storm water systems have been installed or approved according to the specifications; (3) adequate rights-of-way dedication upon an existing public road shall serve these lots as proposed.

Date _____ 20____

City Engineer or County Road Commissioner _____

CERTIFICATE OF APPROVAL FOR RECORDING

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 _____, 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 _____ Register. If required, a surety bond in the amount of \$ _____ has been posted with the Kingsport Regional Planning Commission to assure completion of all required improvements in case of default.

Date _____ 20____

Secretary _____

Kingsport Municipal/Regional Planning Commission _____

CERTIFICATION OF THE APPROVAL FOR 911-ADDRESSING ASSIGNMENT

I hereby certify that the addresses, as noted on the final plat, are approved as assigned.

Date _____ 20____

City G.I.S. Division or Sullivan County Director of 911 Addressing or his/her authorized representative _____

CERTIFICATE OF OWNERSHIP AND DEDICATION

I (we) hereby certify that I am (we are) the owner (s) of the property shown and described hereon and that I (we) hereby adopt this Plan of Subdivision with my (our) line comment establish the building lines, and dedicate all streets, alleys, walks, parks and other open spaces to public or private use as noted.

Date _____ 20____

Owner _____

CERTIFICATION OF THE APPROVAL OF SEWERAGE SYSTEM
 I hereby certify that the sewerage disposal system installed or proposed for installation fully meets the requirements of the Tennessee Department of Environment & Conservation and is hereby approved as shown.

Date _____ 20____

Tennessee Department of Environment & Conservation _____

Or _____

Kingsport Authorizing Agent _____

CERTIFICATE OF APPROVAL OF STREET LIGHTING SYSTEM

I hereby certify that the street light system designed for this subdivision complies with the City of Kingsport's policies on roadway lighting within the City of Kingsport, and any required charges for the purchase and installation have been met.

Date _____ 20____

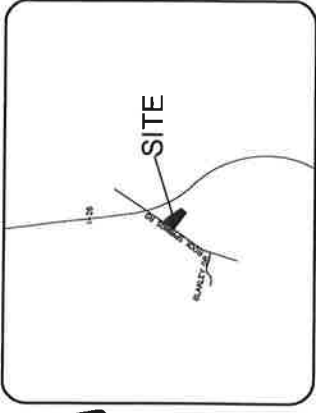
Traffic Engineering Manager _____

CERTIFICATE 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 _____ water utility system and is hereby approved as shown.

Date _____ 20____

Authorizing Agent _____



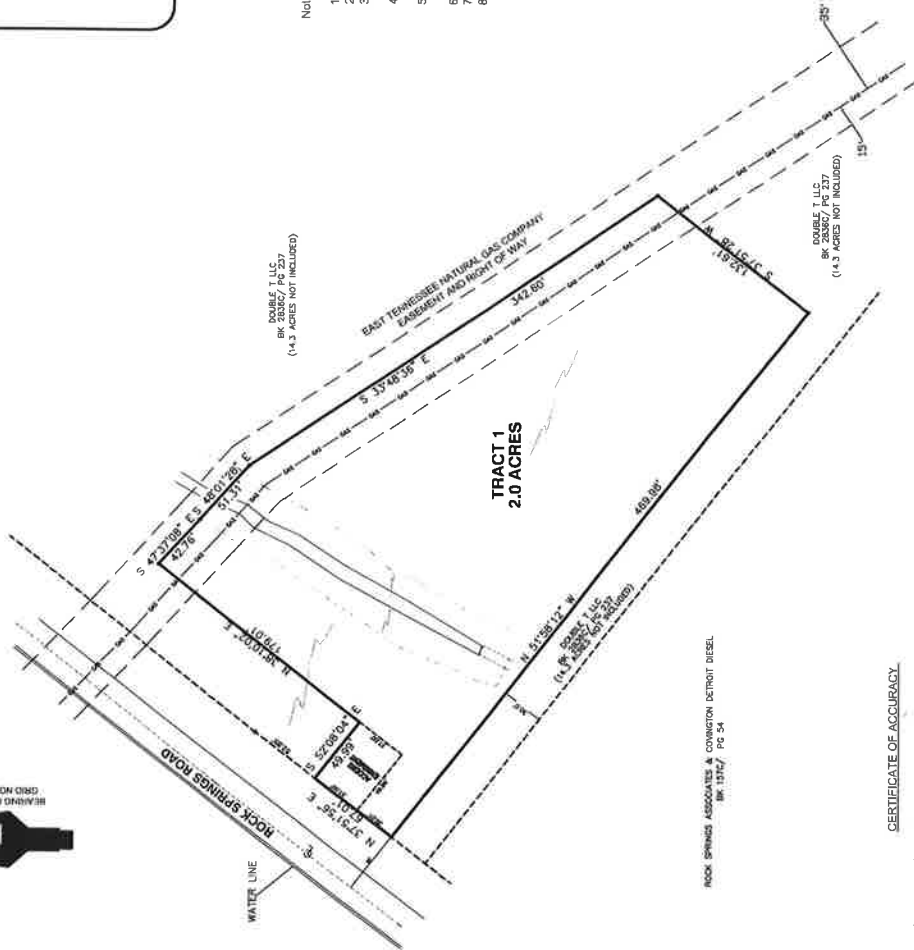
VICINITY MAP
 NOT TO SCALE

Notes:

- Parcel ID 105 098 00
- No. Of Lots - 1
- This plat is a Subdivision of a portion of the DOUBLE T LLC Property recorded in BK 2650C PG 237
- It is Subdivided - 2.0 AC. (Remaining Acreage=14.3 AC more or less)
- Iron Piles At All Corners:
 All Piles Are Set 1/4 Iron Rod Unless Noted otherwise.
- This Property is Zoned B-4P
- Deed Reference DATA - BOOK 2688C, PAGE 237
- THE F.L.R.M. FLOOD MAPS HAVE DESIGNATED THE HEREON DESCRIBED PROPERTY LIE WITHIN FLOOD ZONE "X" & "A", TAKEN FROM MAP #47-630235D, WITH AN EFFECTIVE DATE OF SEPTEMBER 29, 2006.



Know what's below.
 Call before you dig.



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 Kingsport, Tennessee Regional Planning Commission and that the monuments have been placed as shown hereon.

Date _____ 20____

Surveyor _____

(or)

I hereby certify that this is a category 1 survey and the ratio of precision of the unadjusted survey is 1:11,963 as shown hereon.

Date _____ 20____

Surveyor TN, Reg. No. _____

FINAL PLAT
 of
 DOUBLE T COMMERCIAL

DISTRICT 13 - SULLIVAN, TN

PINNACLE
 Land Surveying, Inc.
 212 Battle Front Trail
 Knoxville, TN 37934
 Phone: 865.546.2385
 www.pinnaclelandsurvey.com

Revisions	Project Number
1 - Revised for minor corrections	19-032
	Drawing Number
	1

Drafted By: RMT 09/19/19

OWNER:
 DOUBLE T LLC
 PO BOX 4028
 WISE, VA 24293



TO: KINGSPORT BOARD OF ZONING APPEALS

FROM: Ken Weems, AICP, Planning Manager

DATE: December 23, 2019

RE: 2330 Fort Henry Drive

The Board is asked to consider the following request:

Case: 19-701-00034 – Property located at 2330 Fort Henry Drive, Control Map 062I, Group J Parcels 001.00, 002.00, and 003.00, requests a 30 foot landscape buffering variance to Sec 114-600(d)4(a) and an 80 foot variance for accessory structure location to Sec 114-133(2) for the purpose of razing and rebuilding the existing restaurant. The property is zoned B-3, Highway Oriented Business District.

The requested variances will allow the existing McDonald's to be razed and rebuilt. Space constraints produced a variance to allow the garbage enclosure in the front yard.

ArcGIS Web Map

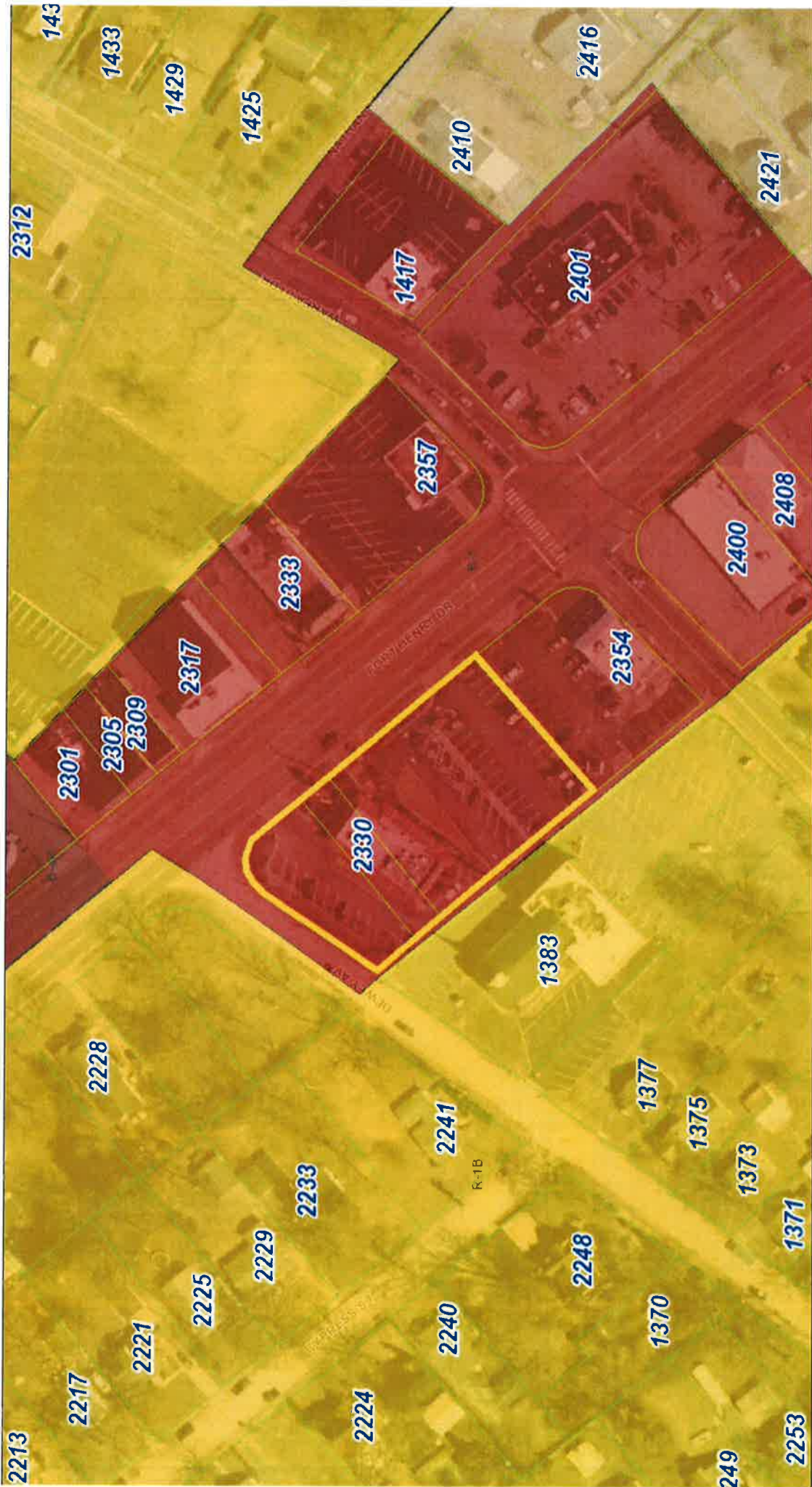


1:1,128



- 23/2019, 2:24:39 PM
- Kpt 911 Address
- Sullivan County Parcels
- Hawkins County Parcels

ArcGIS Web Map



2/23/2019, 2:25:33 PM

Parcel Type	Zoning Code
Kot 911 Address	R-4
Sullivan County Parcels	R-1B
Hawkins County Parcels	R-1C
r Zoning	R-2
<Null>	R-3
TAC	R-3A
	R-3B
	PMID-1
	PMID-2
	PUD
	PVD
	R-1
	R-1A
	R-1
	R-1B
	R-1C
	R-2
	R-3
	R-3A
	R-3B
	Split
	TA
	TA-C
	UAE
	MIX
	P-1
	P-D
	PBD-3
	PBD/A
	PD
	B-4P
	BC
	GC
	M-1
	M-1R
	M-2
	B-1
	B-2
	B-3
	B-4
	B-4P
	R-5
	GC
	B-2E
	A-1
	A-2
	AR



APPLICATION
Board of Zoning Appeals



APPLICANT INFORMATION:

Last Name	McDonald's USA, LLC	First	n/a	M.I.	n/a	Date	12/10/2019
Street Address	110 N Carpenter St			Apartment/Unit #	n/a		
City	Chicago	State	IL	ZIP	60607		
Phone	865-322-1954	E-mail Address	fred.cox@us.mcd.com				

PROPERTY INFORMATION:

<i>Tax Map Information</i>	Tax map: 0621 Group: J	Parcel:	001.00, 002.00, 003.00		
Street Address	2330 Fort Henry Drive	Apartment/Unit #	n/a		
Current Zone	B-3	Proposed Zone	B-3		
Current Use	Restaurant	Proposed Use	Restaurant		

REPRESENTATIVE INFORMATION:

Last Name	Britt, Peters & Associates, Inc - Kristin Lang	First		M.I.		Date	12/10/2019
Street Address	PO Box 336			Apartment/Unit #	n/a		
City	Greenville	State	SC	ZIP	29602		
Phone		E-mail Address					

REQUESTED ACTION:

Relief from 30' rear landscape buffer/fence requirement against residential Section 114-600 (d)(4), and approval for trash corral in the front yard Section 114-133(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: 

Date: 12/11/19

Signed before me on this 11 day of December, 20 19
a notary public for the State of Ohio
County of Franklin

Notary Stacy Sherman
My Commission Expires Sept. 12, 2022



Variance Worksheet – Finding of Facts

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.

The lots fronting Fort Henry Drive on the south side in this area are narrow in depth and abut residential zoning and an alley at the rear.

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

Zoning requires a 30 foot buffer at the rear against residential. To the rear of the existing McDonald's is a church. The 30' rear landscape buffer and 10' front/side landscape setbacks would require 10, 237 sf of landscaped area or 0.24 acres of the 0.78 acre parcel or 30% of the parcel. Landscape requirements for the parcel are 10% of the land area or 3,400 sf of landscaped area. Proposed is 5,599 sf of pervious/landscaped area.

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 McDonald's opened at this location on May 22, 1962. It was rebuilt and reopened on December 26, 1988.

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

The Litz Manor neighborhood, Port City Baptist Church and McDonald's have been partners for over 57 years. As stated in the letter from Pastor Chris Alford of the Port City Baptist Church "McDonald's has been a good neighbor and provided a positive impact on 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:

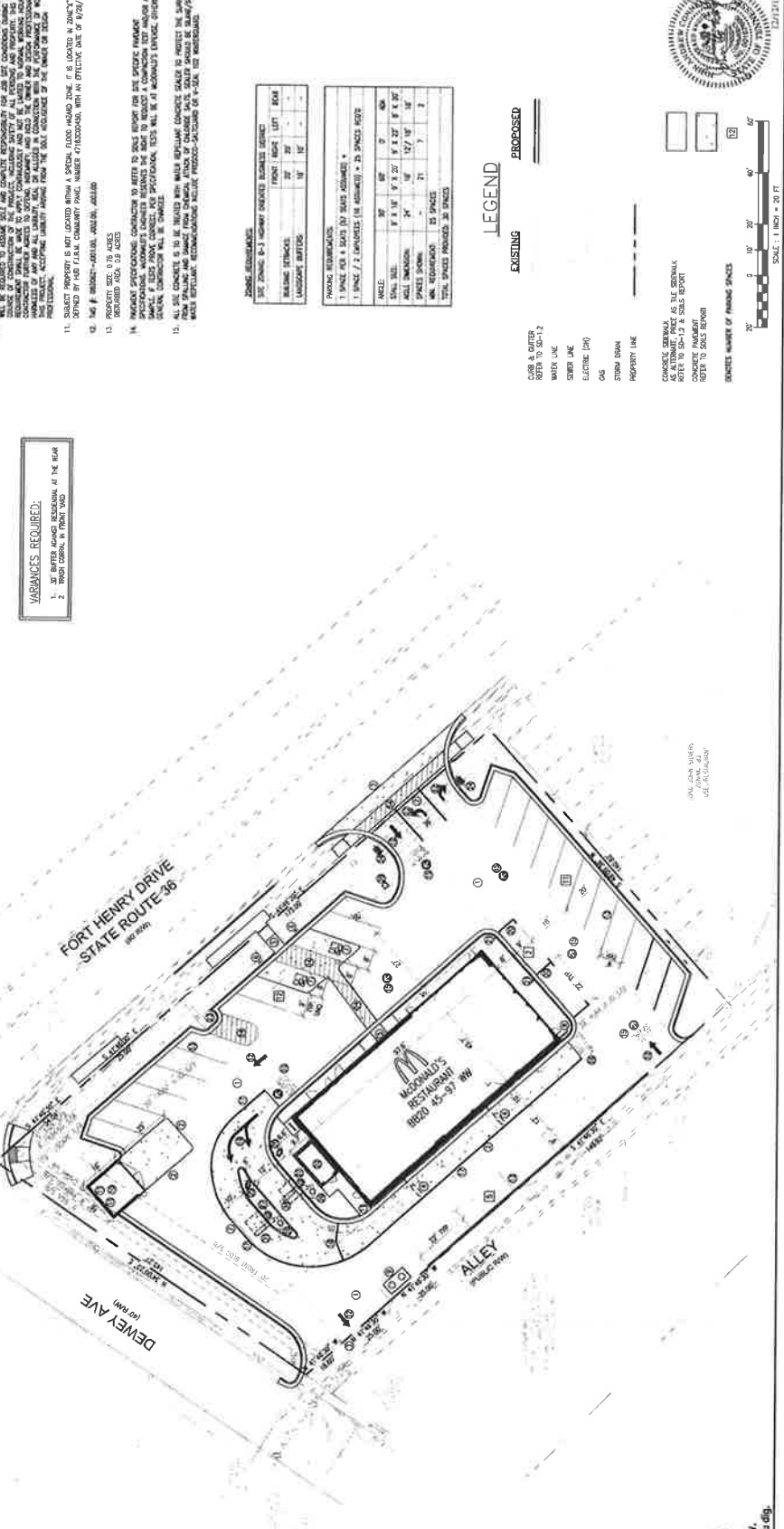
1. The premises of cannot be used in a manner permitted by the Zoning Ordinance unless the variance is granted.
2. A strict application of the terms of the Zoning Ordinance precludes its use for any purpose to which the land is reasonably adopted.
3. Inability to put the property to its most profitable 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.

GENERAL SITE NOTES:

1. CONSTRUCTION SHALL BE ACCORDING TO THE SPECIFICATIONS AND DETAIL SHEETS OF ALL APPLICABLE MATERIALS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE VERIFICATION OF ALL MATERIALS AND METHODS OF CONSTRUCTION.
2. ALL UTILITIES SHOWN ON THESE PLANS ARE BASED ON THE AVAILABLE INFORMATION. THE CONTRACTOR SHALL VERIFY THE LOCATION OF ALL UTILITIES PRIOR TO CONSTRUCTION.
3. ALL UTILITIES SHALL BE PROTECTED BY AN APPROPRIATE METHOD OF CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL UTILITIES.
4. ALL UTILITIES SHALL BE PROTECTED BY AN APPROPRIATE METHOD OF CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL UTILITIES.
5. ALL UTILITIES SHALL BE PROTECTED BY AN APPROPRIATE METHOD OF CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL UTILITIES.
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12. ALL UTILITIES SHALL BE PROTECTED BY AN APPROPRIATE METHOD OF CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL UTILITIES.
13. ALL UTILITIES SHALL BE PROTECTED BY AN APPROPRIATE METHOD OF CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL UTILITIES.
14. ALL UTILITIES SHALL BE PROTECTED BY AN APPROPRIATE METHOD OF CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL UTILITIES.
15. ALL UTILITIES SHALL BE PROTECTED BY AN APPROPRIATE METHOD OF CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL UTILITIES.

VARIANCES REQUIRED:

1. 30' BUFFER AROUND PERIMETER AT THE CURB
2. 10' BUFFER AROUND EXISTING CURB



811
Know what's below. Call before you dig.

NO.	DATE	DESCRIPTION
01	08/27/2007	ISSUED FOR PERMITS
02	09/10/2007	REVISED PER COMMENTS
03	09/10/2007	REVISED PER COMMENTS
04	09/10/2007	REVISED PER COMMENTS
05	09/10/2007	REVISED PER COMMENTS
06	09/10/2007	REVISED PER COMMENTS
07	09/10/2007	REVISED PER COMMENTS
08	09/10/2007	REVISED PER COMMENTS
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13	09/10/2007	REVISED PER COMMENTS
14	09/10/2007	REVISED PER COMMENTS
15	09/10/2007	REVISED PER COMMENTS
16	09/10/2007	REVISED PER COMMENTS
17	09/10/2007	REVISED PER COMMENTS
18	09/10/2007	REVISED PER COMMENTS
19	09/10/2007	REVISED PER COMMENTS
20	09/10/2007	REVISED PER COMMENTS

BRITT PETERS ASSOCIATES
 101 Lake Park Drive
 Suite 101
 Duluth, GA 30097
 (770) 271-9800
 www.brittassociates.com

MCDONALD'S USA, LLC

SITE PLAN

SHEET NO. **C-3.0**
 SEE PLAN

PORT CITY C H U R C H

1383 Dewey Ave , Kingsport, TN 37664 423-246-2872 www.IamPortCity.com

To whom it may concern;

We, Port City Church, have no objections to the landscaping and building set back variances that the McDonalds on Fort Henry Dr. in Kingsport is requesting from the city.

They have always been good neighbors and had a positive impact on our neighborhood.

Sincerely,



Chris Alford
Lead Pastor









TO: KINGSPORT BOARD OF ZONING APPEALS

FROM: Ken Weems, AICP, Planning Manager

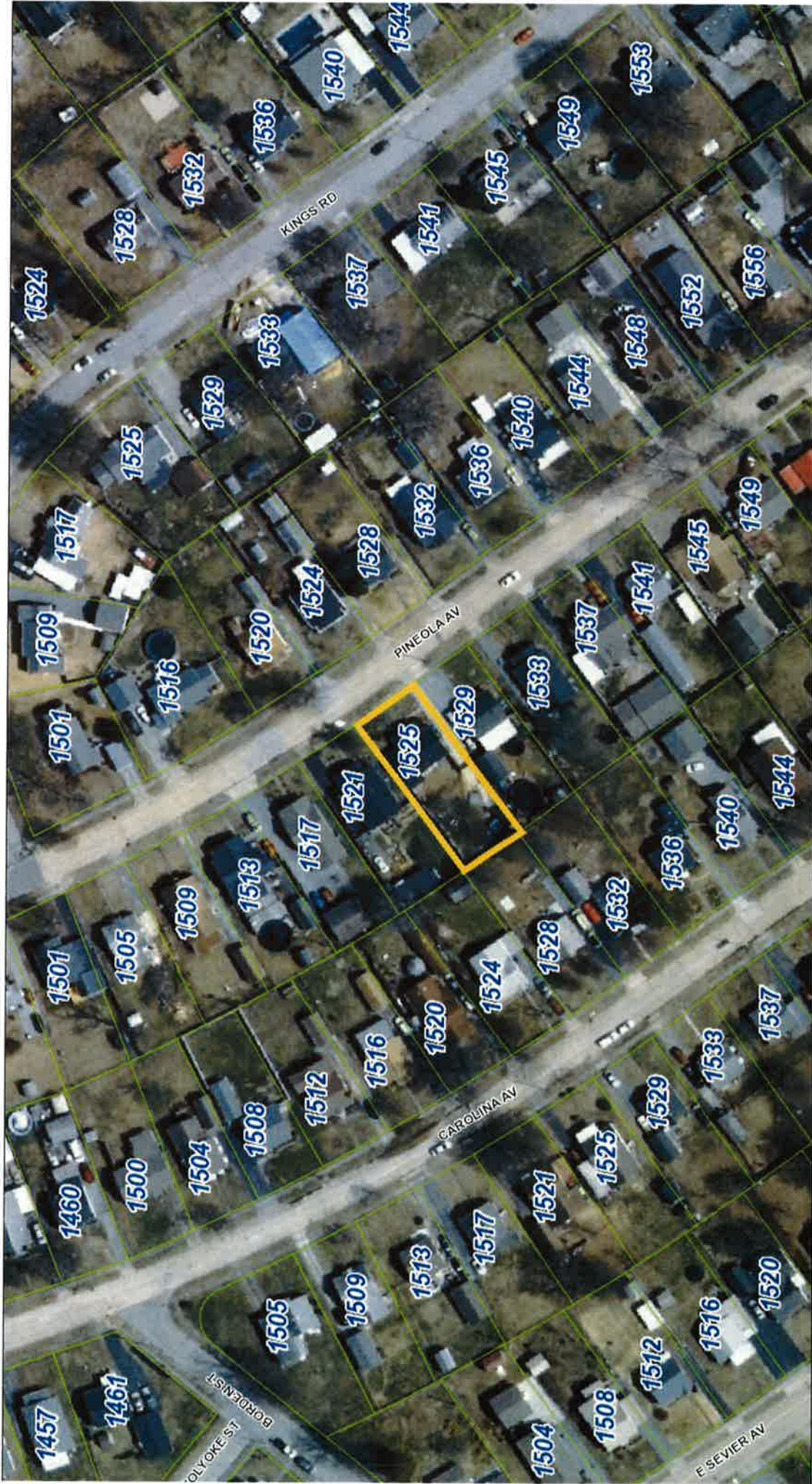
DATE: December 23, 2019

RE: 1525 Pineola Avenue

The Board is asked to consider the following request:

Case: 19-701-00035 – Property located at 1525 Pineola Avenue, Control Map 061F, Parcel 042.00, requests a 6.68 side yard to Sec 114-183(e)1(d) for the purpose of constructing an addition to the existing home. The property is zoned R-1B, Residential District

ArcGIS Web Map



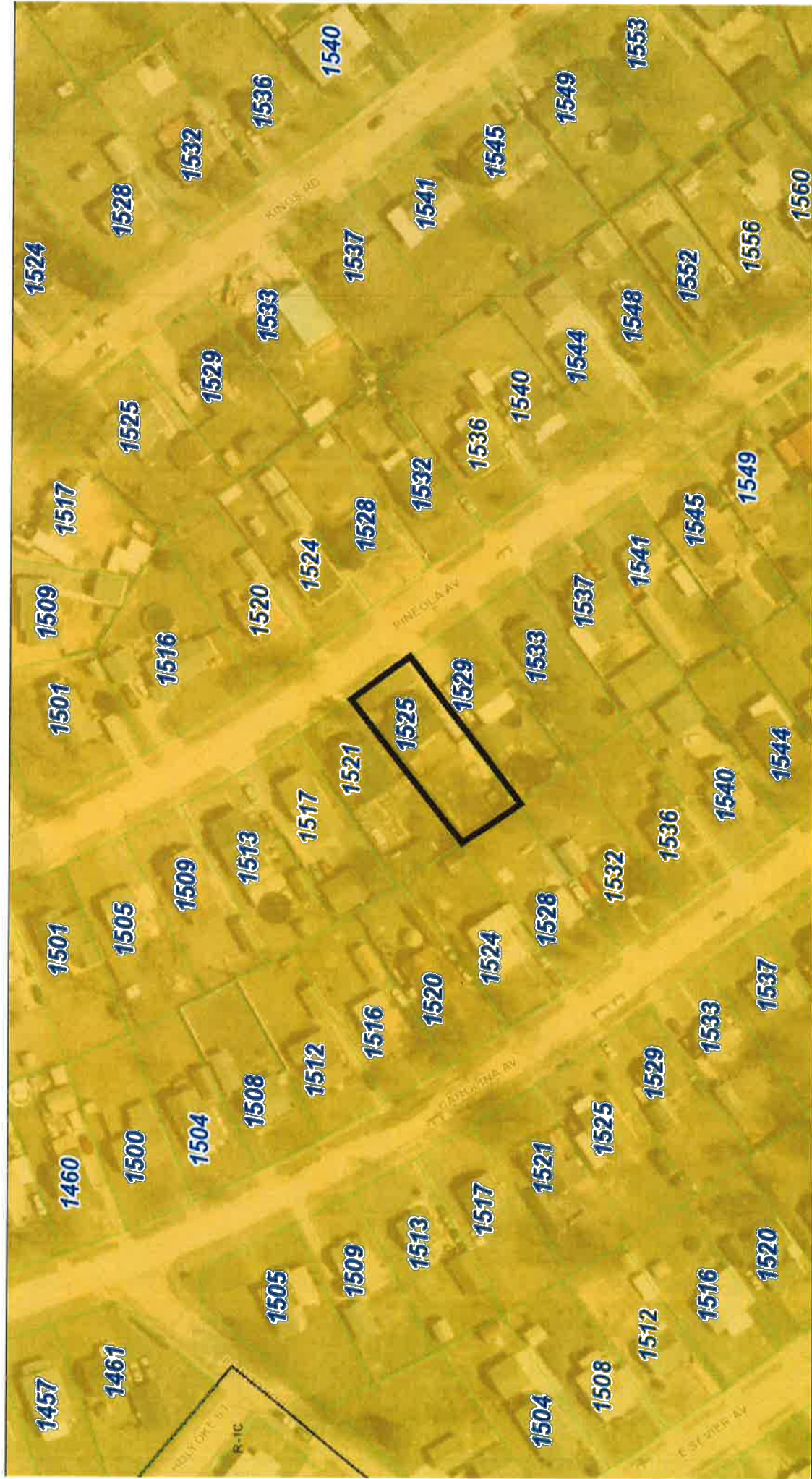
23/2019, 2:28:29 PM

Kpt 911 Address

Sullivan County Parcels

Hawkins County Parcels

ArcGIS Web Map



23/2019, 2:27:08 PM

1:1,128

0 0.0125 0.025 0.05 mi
0 0.02 0.04 0.08 km

- Kpt 911 Address
- Sullivan County Parcels
- Hawkins County Parcels
- Zoning
- <Null>
- TAC
- R-4
- R-1B
- R-1C
- R-2
- R-3
- R-3A
- R-3B
- PMD-1
- PMD-2
- PUD
- PVD
- R-1
- R-1A
- MX
- P-1
- P-D
- PBD-3
- PBD/*
- FD
- B-4P
- BC
- GC
- M-1
- M-1R
- M-2
- B-1
- B-2
- B-3
- B-3
- B-4
- B-4P
- R-5
- GC
- B-2E
- A-1
- A-2
- AR
- Split
- TA
- TAC
- UAE

APPLICATION
Board of Zoning Appeals



APPLICANT INFORMATION:			
Last Name	Hall	First	Corey
M.I.	D	Date	12/13/19
Street Address	1525 Pineola Ave		Apartment/Unit #
City	Kingsport	State	TN
ZIP	37664		
Phone	423-863-5742		E-mail Address
Coreyhall92@yahoo.com			

PROPERTY INFORMATION:			
Tax Map Information	Tax map: 61F	Group:	Parcel: Lot: 42
Street Address	1525 Pineola Ave		Apartment/Unit #
Current Zone	Proposed Zone		
Current Use	Proposed Use		

REPRESENTATIVE INFORMATION:			
Last Name	Hall	First	Corey
M.I.	D	Date	12/13/19
Street Address	1525 Pineola Ave		Apartment/Unit #
City	Kingsport	State	TN
ZIP	37664		
Phone	423-863-5742		E-mail Address
coreyhall92@yahoo.com			

REQUESTED ACTION:
I am requesting a 6.68 foot Variance in order to build an addition on to the back of my property.

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: *Corey Hall* Date: 12/16/2019

Signed before me on this 16th day of December, 2019,
 a notary public for the State of TN
 County of Sullivan
 Notary *Cynthia L. Anderson*
 My Commission Expires 11-23-2020



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.

I currently have a addition that is built on my home that was constructed prior to me purchasing the property.

I am requesting a variance to build a addition on to my property that would be the same width as my property. This variance would allow me to have more square footage, as well as allowing me to use my existing footers.

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

If I am unable to obtain this variance I would lose an estimated 240 square feet of living space. This would also cause my home to have a irregular build pattern/shape that would not conform to the surrounding properties. This would also make it extremely difficult to construct and attach the addition to my home.

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.

If I am unable to obtain this variance I would lose over all square footage, my home would decrease in value, and the addition would not conform to the surrounding properties.

d. 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 would allow me to obtain a symmetrical look and building layout of my home. Allow for more overall square footage. I would improve the appearance of the property. It would increase the overall value of the home. It would allow me to use my existing footers. It would make the construction of the addition easier and more cost efficient. I would provide me and my family more comfortable living arrangement.

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.



41
**BAYS VIEW
 SUBDIVISION**
 BLOCK 180
 P.B. 2, PG. 103A

18
 $R=1597.69'$
 $L=10.5'$



LEGEND

1/4" IR(O)	IRON ROD	OLD
1/4" IR(O)	IRON PIPE	OLD
1/4" IR(O)	IRON ROD	NEW
SOLID	BUILDING	
CONC	CONCRETE	
ARC(S)	ARC(S)	
LEN(TH)	LENGTH	
PLAT BOOK	PLAT BOOK	
PAGE	PAGE	
BY ADDRESS	BY ADDRESS	

NOTES

- 1) NORTH BASED ON REFERENCED PLAT.
- 2) PROPERTY IS ZONED R-1B.
- 3) SETBACKS SHALL CONFORM TO THE CURRENT ZONING DESIGNATION. THIS IS TO CERTIFY THAT I HAVE CERTIFY THAT I HAVE CONSULTED THE FEDERAL FLOOD INSURANCE ADMINISTRATION BOUNDARY MAP 47183000450 EFFECTIVE DATE SEPTEMBER 28, 2006 AND FOUND THAT THE ABOVE PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA.
- 4) I HEREBY CERTIFY THAT THIS IS CATEGORY I SURVEY AND THE RATIO OF PRECISION IS BETTER THAN 1:10,000.
- 5) THIS SURVEY WAS DONE IN COMPLIANCE WITH CURRENT TENNESSEE MINIMUM STANDARDS OF PRACTICE.

MAP OF: LOT 42, BLOCK 180, BAYS VIEW SUBDIVISION

OWNER: COREY D. HALL

CIVIL DISTRICT: 11TH COURT: SULLIVAN

STATE: TENNESSEE TAX MAP 617 T PARCEL 46

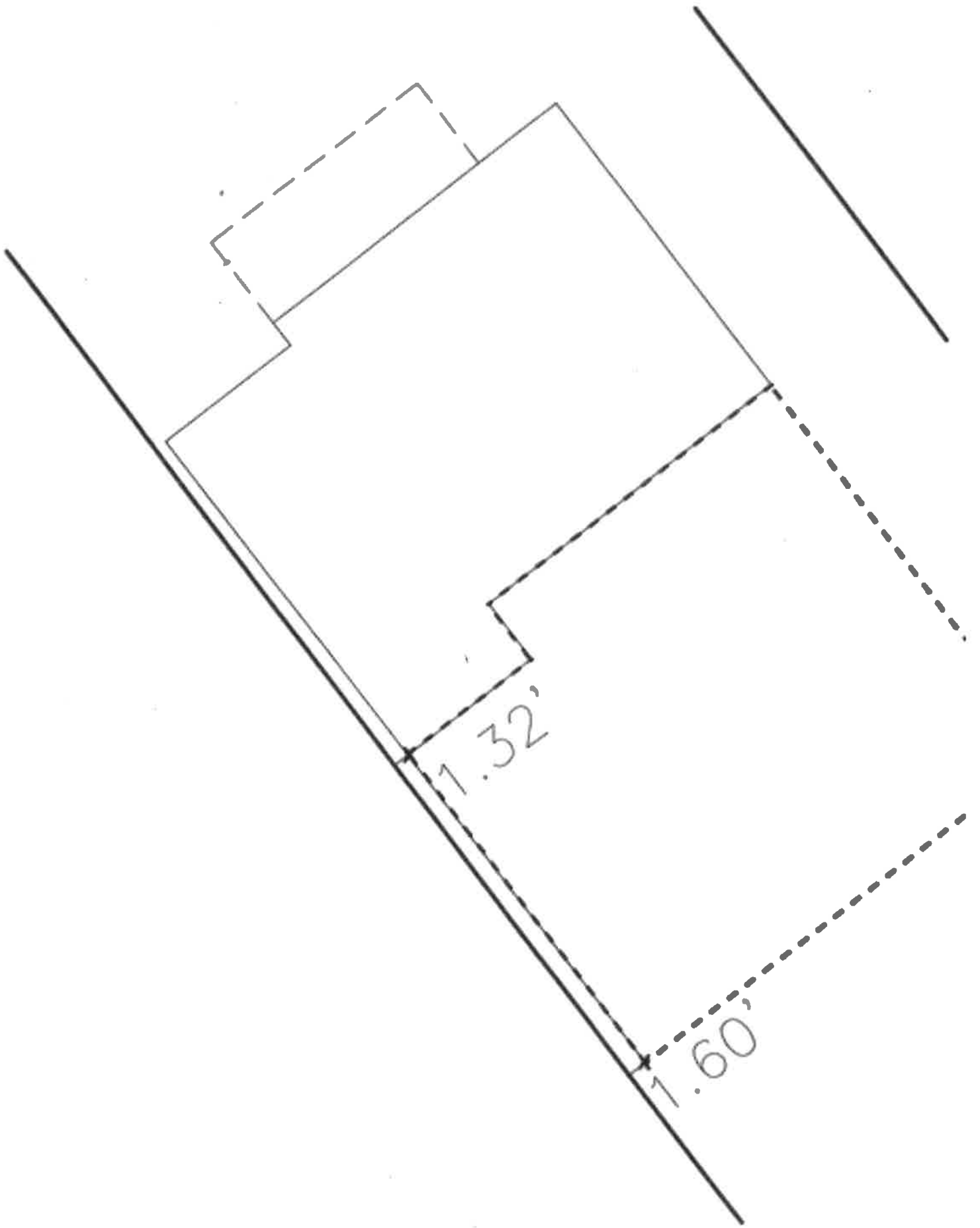
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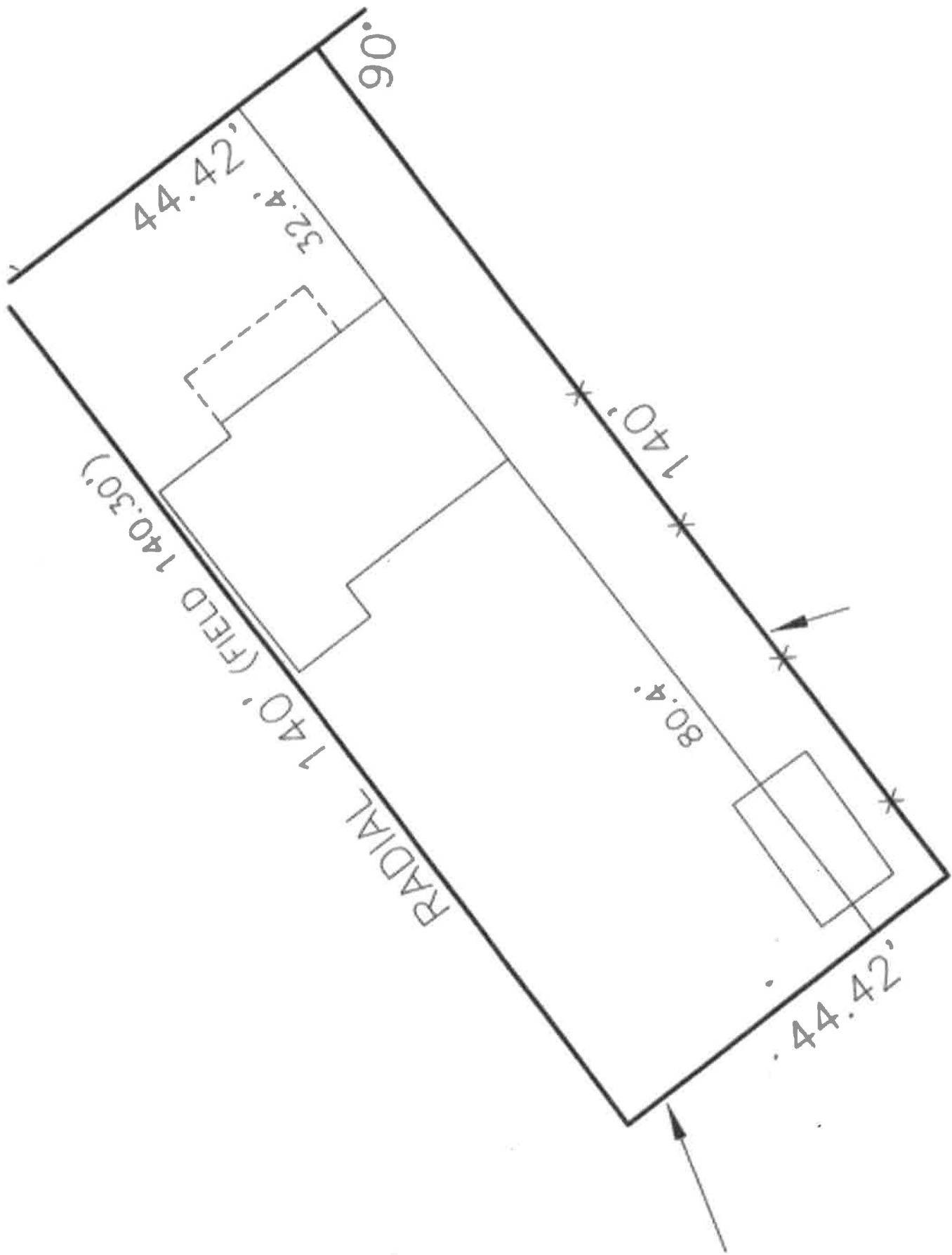
REFERENCE: PLAT BOOK 2, PAGE 103A

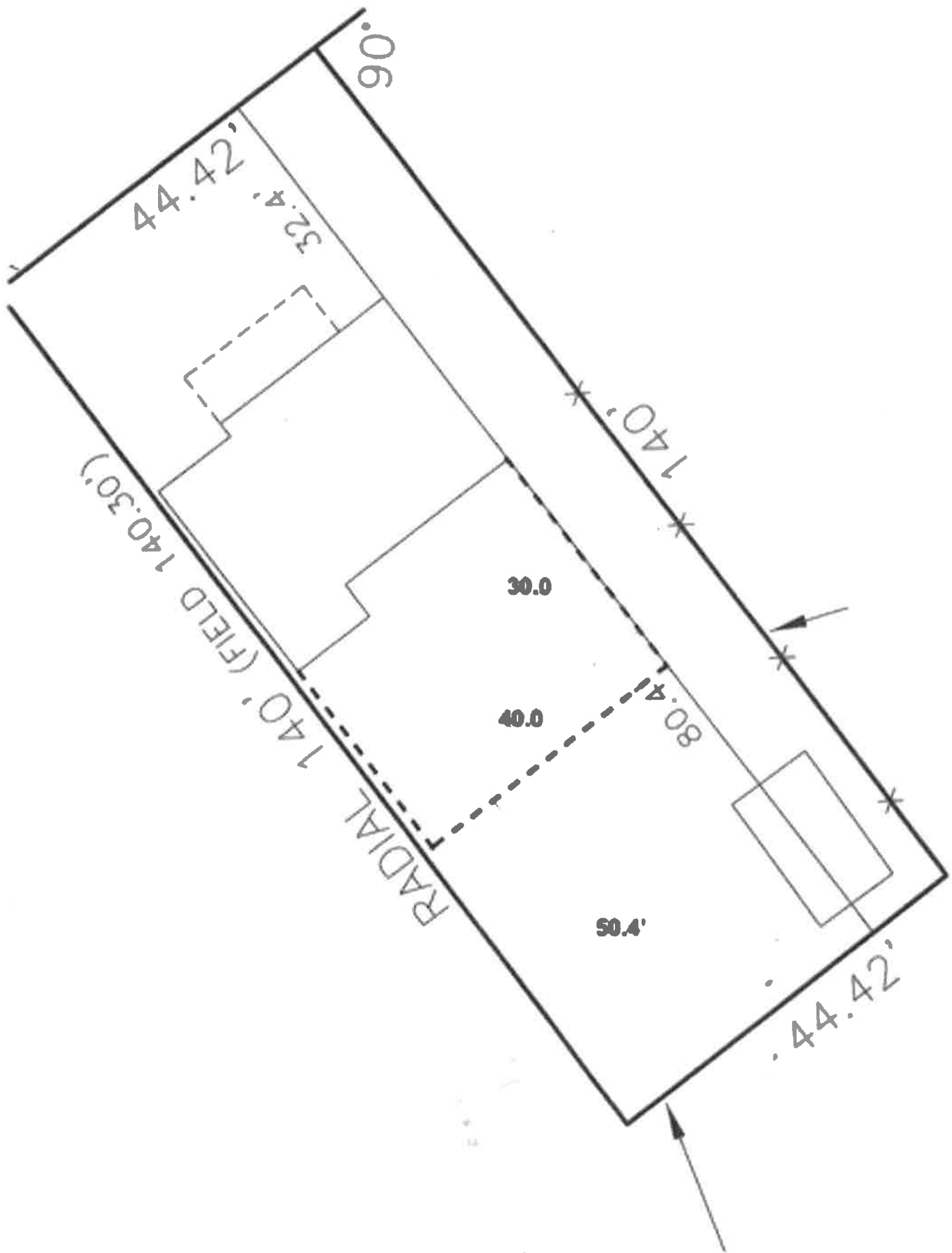
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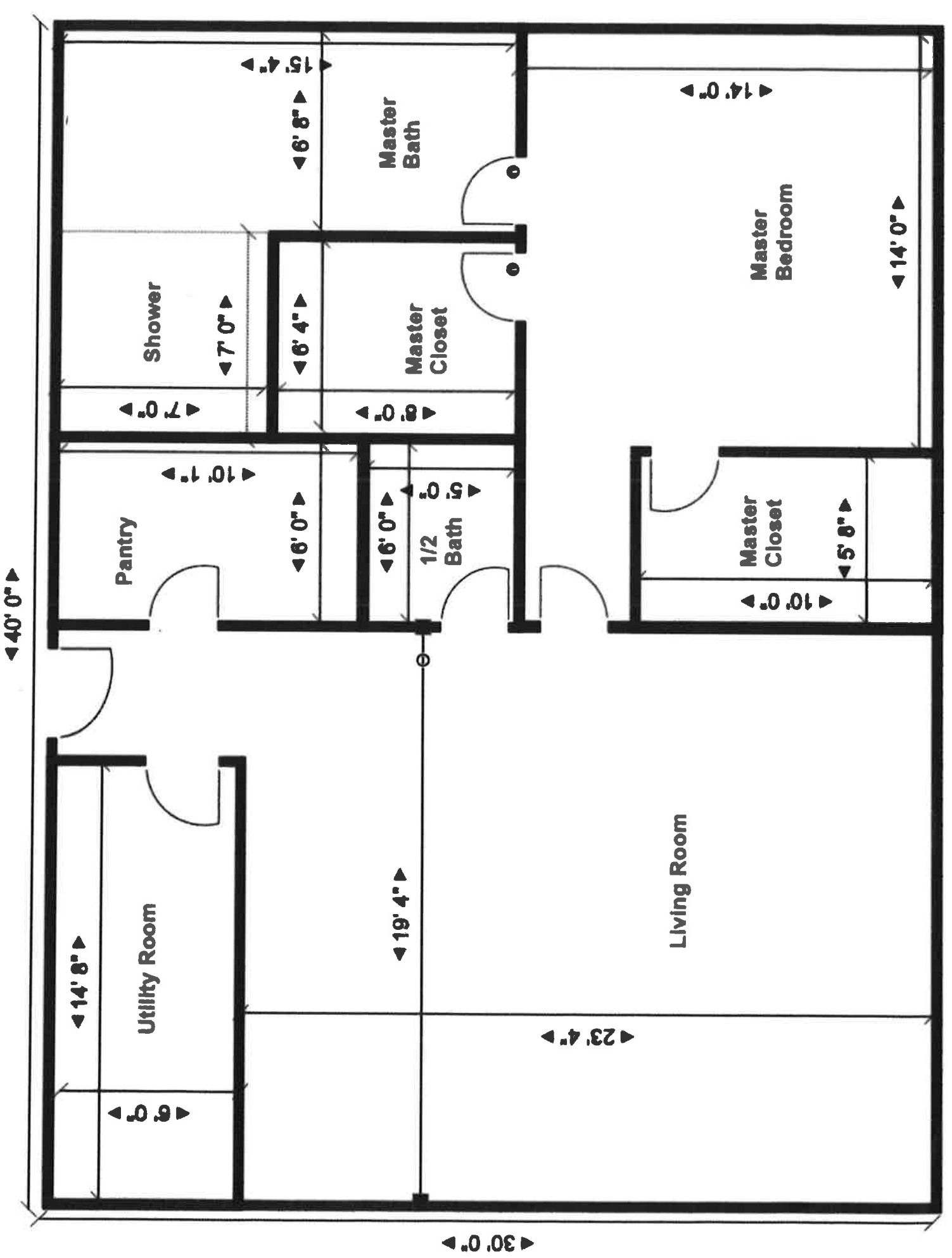
FOR: OTHER

ALLEY & ASSOCIATES, INC.
 243 E Market Street
 Kingsport, Tennessee 37608
 E-mail: tlingerfelt@alleyassociates.com









**MINUTES OF THE DRIVING TOUR OF THE
KINGSPORT BOARD OF ZONING APPEALS (BZA)**

December 5, 2019

10:30 a.m.

Members Present:

Bill Sumner
Joe White
Calvin Clifton
Jeff Little

Members Absent:

none

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 property located at 416 Oakmont Drive and 2709 Rock Springs Road. No official action was taken.

The driving tour concluded at 11:40 a.m.

Respectfully Submitted,

Ken Weems, AICP
Planning Manager

MINUTES OF THE KINGSPORT BOARD OF ZONING APPEALS (BZA)

December 5, 2019, Regular Meeting

Noon

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

Members Present:

Bill Sumner
Joe White
Calvin Clifton
Jeff Little

Members Absent:

none

Staff Present:

Ken Weems, AICP
Page Jeffers

Visitors:

Jane Boyd
Jackie Flanary
Robert Watson
Mike Flanagan
Chere Flanagan
Luke Coffey
John Edmiston
Obie Williams

Chairman Sumner called the meeting to order.

Chairman Sumner explained the meeting procedures.

Ms. Page Jeffers conducted the swearing in ceremony for those wishing to speak during the regular meeting. Jane Boyd, Jackie Flanary, Robert Watson, Mike Flanagan, Chere, Flanagan, Luke Coffey, John Edmiston, and Obie Williams were sworn in.

Public Hearing:

Case: 19-701-00030 – Property located at 2055 Granby Road, Control Map 029K, Group C Parcel 008.50, requests a 5 foot 10 inch height variance to 114-533(2)c and a 20 foot setback variance to 114-533(c)3 for the purpose of erecting a new freestanding sign. The property is zoned R-1B, Residential District.

Jackie Flanary presented the case to the Board. Mr. Flanary spoke of the restricted view of the property due to its location. Mr. Flanary additionally noted the normal setback requirements would force the sign to be erected in the middle of the driveway and parking lot access to his church.

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

Case: 19-701-00031 – Property located at 416 Oakmont Drive, Control Map 106B, Group G Parcel 001.00, requests a 285 square foot variance to maximum accessory structure size to Sec 114-133(2) for the purpose of locating a storage outbuilding in the rear yard of the property. The property is zoned R-1B, Residential District.

Mr. Mike Flanagan presented the case to the Board. Mr. Flanagan stated that his family had recently moved to the property and that they planned on relocating the yard barn in question to the appropriate space in the rear yard. Mr. Flanagan noted that due to the existing accessory structure on the property, that he had no additional square footage for storage. Jane Boyd spoke against the request. Ms. Boyd stated that the entrance to the property is important and she objects to the proposal. John Edmiston stated that he echoes Ms. Boyd's concern. Chere Flanagan stated that their intent is to make the property look good and that the yard barn will be moved to the appropriate location as soon as possible. Ms. Flanagan noted that the issue at hand is lack of accessory structure storage capacity due to the existing accessory structure.

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

Case: 19-701-00032 – Property located at 2709 Rock Springs Road, Control Map 119I, Group B, Parcel 001.20, requests a 15 foot periphery yard variance along the northwest and southwest parcel boundaries to Sec 114-230(c); a 30 foot periphery yard variance along the northeast side of the parcel to Sec 114-230(c); a 15 foot reduction to fence and/or evergreen screening portion of the planting strip boundary along the southwest and northeast parcel boundary to Sec 114-600(d)4; and a landscaping elimination variance along the northeast parcel boundary to Sec 114-600(d)4. The property is zoned B-4P, Planned Business District.

Luke Coffey presented the case to the Board. Mr. Coffey spoke to the unique conditions of the site which contains a partially constructed building. Mr. Coffey noted that the east side of the property is encumbered by a TVA powerline easement that cannot contain landscaping. Mr. Coffey explained that the easement restrictions allow TVA to keep the easement clear of vegetation. Mr. Coffey also noted that the periphery yard variance and the buffering variances for the east side of the property would not impact the adjacent existing residential dwellings.

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

The Chairman opened the business portion of the meeting. Mr. Little made a motion to approve the driving tour and regular meeting minutes from the November 7, 2019 meeting. Mr. White seconded the motion. The motion passed, 4-0. Next, after discussion of availability for the scheduled January 2, 2019 meeting, the Board rescheduled the January meeting for January 9, 2019.

Adjudication of Cases:

Case: 19-701-00030 – Property located at 2055 Granby Road, Control Map 029K, Group C Parcel 008.50

The Board acknowledged that the lot in question was uniquely sited and acknowledged the hardship of the required setback for the freestanding sign. Additionally, the Board acknowledged the terrain hardship associated with the current freestanding sign height.

MOTION: made by Mr. Little, seconded by Mr. Clifton, to grant the 5 foot 10 inch height variance to 114-533(2)c and a 20 foot setback variance to 114-533(c)3 for the purpose of erecting a new freestanding sign.

VOTE: 4-0 to approve the request.

Case: 19-701-00031 – Property located at 416 Oakmont Drive, Control Map 106B, Group G Parcel 001.00

Chairman Sumner stated that the request is not unreasonable and that the normal sized storage structure is not out in consistent with typical residential accessory storage.

MOTION: made by Mr. Little, seconded by Mr. White, to grant the a 285 square foot variance to maximum accessory structure size with the condition that the accessory storage structure is painted to match the existing home.

VOTE: 4-0 to approve the request.

Case: 19-701-00032 – Property located at 2709 Rock Springs Road, Control Map 119I, Group B, Parcel 001.20

The Board acknowledged the unique challenges of dealing with a site that contains a partially built structure in addition to the sloping terrain of the property.

MOTION: made by Mr. White, seconded by Mr. Little, to grant the 15 foot periphery yard variance along the northwest and southwest parcel boundaries to Sec 114-230(c); a 30 foot periphery yard variance along the northeast side of the parcel to Sec 114-230(c); a 15 foot reduction to fence and/or evergreen screening portion of the planting strip boundary along the southwest and northeast parcel boundary to Sec 114-600(d)4; and a landscaping elimination variance along the northeast parcel boundary to Sec 114-600(d)4.

VOTE: 4-0 to approve the request.

With no further business the meeting was adjourned at 1:00 p.m.

Respectfully Submitted,

Ken Weems, AICP
Planning Manager