

KINGSPORT BOARD OF ZONING APPEALS AGENDA
REGULAR MEETING: March 5, 2020
Development Services Building – Bob Clear Conference Room

CALL TO ORDER – 12:00 P.M. NOON

INTRODUCTION / MEETING PROCEDURES

PUBLIC HEARING:

Case: 20-701-00001 – Property located at 1618 Belmeade Drive, Control Map 046M, Group E, Parcel 004.00, requests a 900 square foot variance to residential accessory structure size, Sec 114-133(2). The property is zoned R-1A, Residential District.

INTERESTED PARTIES:

Owner: Travis Patterson
1618 Belmeade Drive
Kingsport, TN 37664
423.963.0293

Representative: Travis Patterson

Case: 20-701-00002 – Property located at 1273 Catawba Street, Control Map 046N, Group H, Parcel 007.00, requests approval for commercial vehicle (food truck) parking in a residential zone to Sec 114-563(4). The property is zoned R-1B, Residential District.

INTERESTED PARTIES:

Owner: Michael Whitt
3917 Thornton Drive
Kingsport, TN 37664
243.292.2551

Representative: Tyrone Bowman

BUSINESS:

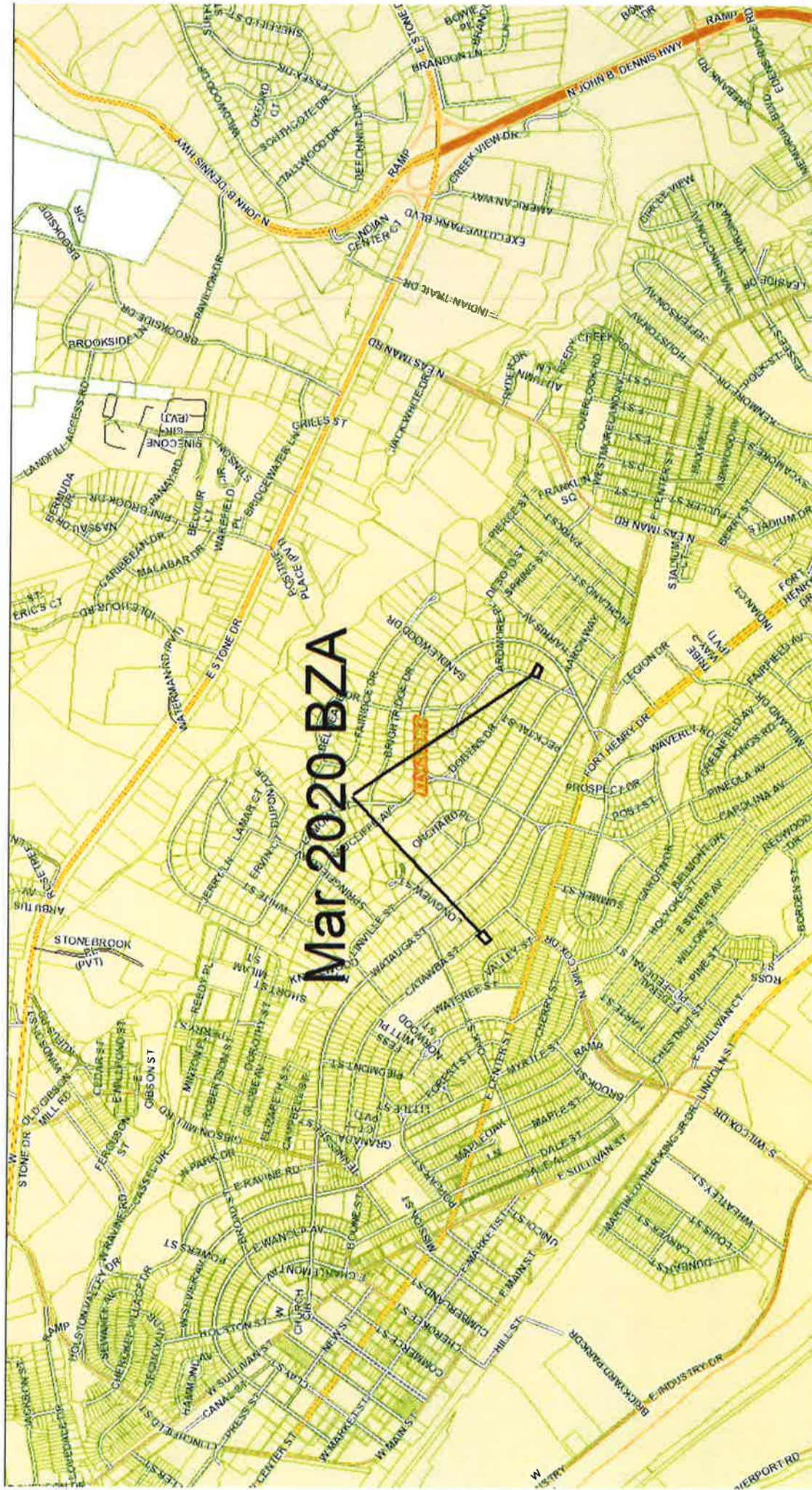
Approval of the February 6, 2020 driving tour and regular meeting minutes.

Stating for public record, the next application deadline is March 16, 2020 at noon, and meeting date (Thursday, April 2, 2020).

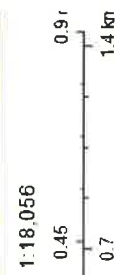
ADJUDICATION OF CASES:

ADJOURNMENT:

ArcGIS Web Map



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- Irian County Parcels
- Lake_Pond
- Parcel_Conflict
- Parcels
- Railroad_ROW
- River
- Street_ROW
- Hawkins County Parcels
- Lake_Pond
- Parcel_Conflict
- Parcels
- Railroad_ROW
- River

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, March 5, 2020 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 up for consideration will be conducted starting at 10:30a.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: 20-701-00001 – Property located at 1618 Belmeade Drive, Control Map 046M, Group E, Parcel 004.00, requests a 900 square foot variance to residential accessory structure size, Sec 114-133(2). The property is zoned R-1A, Residential District.

Case: 20-701-00002 – Property located at 1273 Catawba Street, Control Map 046N, Group H, Parcel 007.00, requests approval for commercial vehicle (food truck) parking in a residential zone to Sec 114-563(4). The property is zoned R-1B, Residential 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
Sidney Cox, City Recorder
P1T: 2/24/20



TO: KINGSPORT BOARD OF ZONING APPEALS

FROM: Ken Weems, AICP, Planning Manager

DATE: February 20, 2020

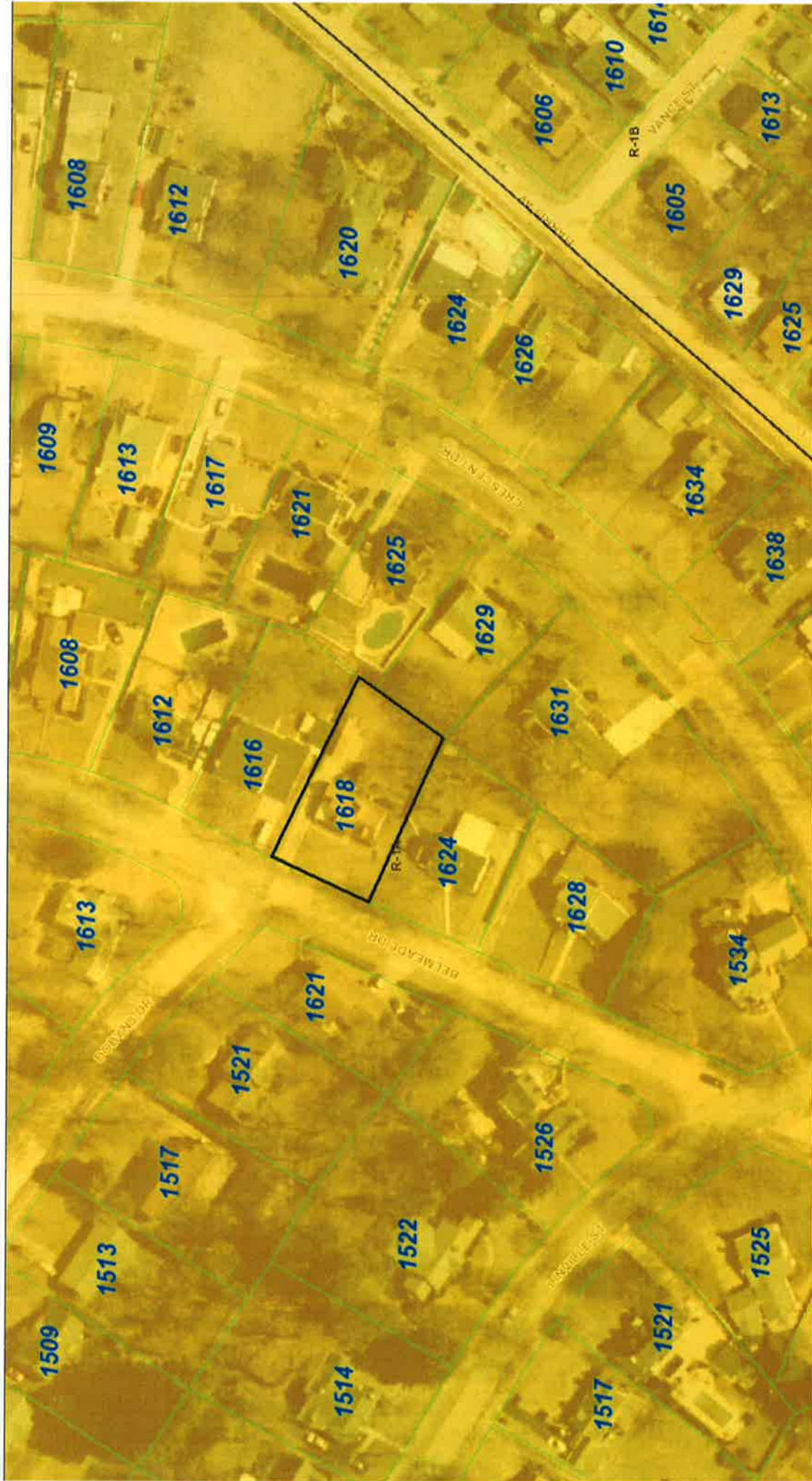
RE: 1618 Belmeade Drive

The Board is asked to consider the following request:

Case: 20-701-00001 – Property located at 1618 Belmeade Drive, Control Map 046M, Group E, Parcel 004.00, requests a 900 square foot variance to residential accessory structure size, Sec 114-133(2). The property is zoned R-1A, Residential District.

This structure is a proposed garage with a finished 2nd floor. The structure is partially constructed and proposed to be 2,000 sq ft in size upon successful grant of variance relief.

ArcGIS Web Map



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- lvan County Parcels
- Lake_Pond
- Parcel_Conflict
- Parcels
- Railroad_ROW
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- Street_ROW
- Hawkins County Parcels
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- R-5
- GC
- B-2E
- A-1
- A-2
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- B-3
- B-4
- B-4P
- B-4P
- BC
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- P-1
- P-D
- PBD-3
- PBD/*
- PD
- PMD-1
- PMD-2
- PUD
- PVD
- R-1
- R-1A
- R-1B
- R-1C
- R-2
- R-3
- R-3A
- R-3B
- R-4
- Split
- TA
- TA-C
- UAE

ArcGIS Web Map



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- River
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- Hawkins County Parcels
- Street_ROW
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- Lake_Pond
- Parcels
- Parcel_Conflict
- Railroad_ROW
- Parcels



APPLICATION
Board of Zoning Appeals



APPLICANT INFORMATION:

Last Name Patterson First Travis M.I. _____ Date 1-21-2020
Street Address 1618 Belmeade Drive Apartment/Unit # _____
City Kingsport State TN ZIP 37664
Phone 423-963-0293 E-mail Address travis@pattersonhandcraftedhomes.com

PROPERTY INFORMATION:

Tax Map Information Tax map: _____ Group: _____ Parcel: _____ Lot: _____
Street Address 1618 Belmeade Drive Apartment/Unit # _____
Current Zone _____ Proposed Zone _____
Current Use _____ Proposed Use _____

REPRESENTATIVE INFORMATION:

Last Name Same as Applicant First _____ M.I. _____ Date _____
Street Address _____ Apartment/Unit # _____
City _____ State _____ ZIP _____
Phone _____ E-mail Address _____

REQUESTED ACTION:

900 sq ft. Variance for garage

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: 1-21-2020

Signed before me on this Jan day of 21, 2020
a notary public for the State of Tennessee
County of Sullivan

Notary Mikki Diana Thurston
My Commission Expires 5-31-2022



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.

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

Simply taking advantage of attic space in roof system of garage

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.

N/A.

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 improve values of all surrounding properties.

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.



TO: KINGSPORT BOARD OF ZONING APPEALS

FROM: Ken Weems, AICP, Planning Manager

DATE: February 20, 2020

RE: 1273 Catawba Street

The Board is asked to consider the following request:

Case: 20-701-00002 – Property located at 1273 Catawba Street, Control Map 046N, Group H, Parcel 007.00, requests approval for commercial vehicle (food truck) parking in a residential zone to Sec 114-563(4). The property is zoned R-1B, Residential District.

ArcGIS Web Map

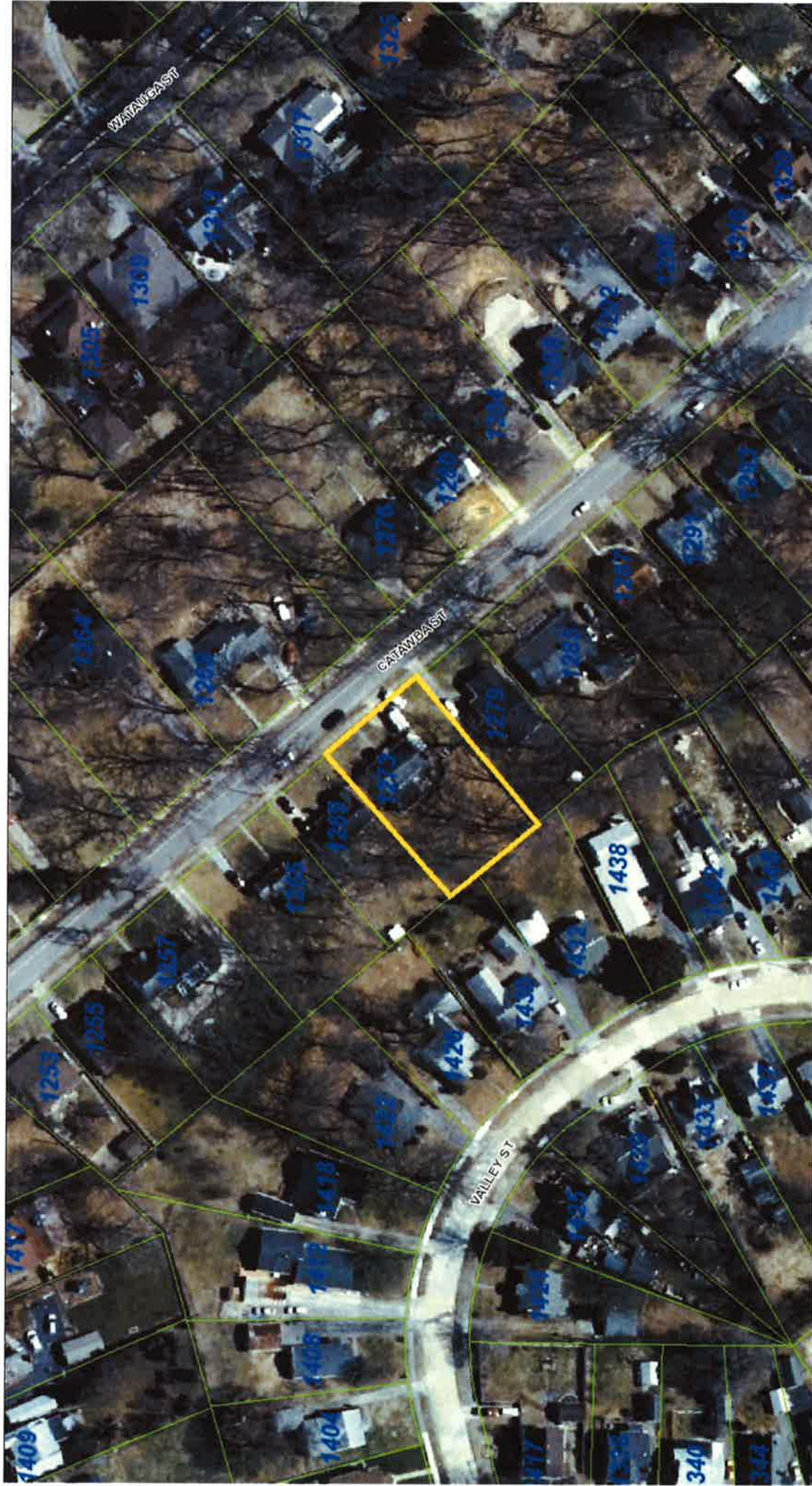


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 0 0.0125 0.025 0.04 0.08 km
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<input type="checkbox"/> Lake_Pond	<input type="checkbox"/> Hawtins County Parcels	<input type="checkbox"/> Street_ROW	<input type="checkbox"/> B-2E	<input type="checkbox"/> B-3	<input type="checkbox"/> GC	<input type="checkbox"/> P-D	<input type="checkbox"/> PUD	<input type="checkbox"/> R-2	<input type="checkbox"/> TA
<input type="checkbox"/> Parcel_Conflict	<input type="checkbox"/> Lake_Pond	<input type="checkbox"/> City Zoning	<input type="checkbox"/> A-1	<input type="checkbox"/> B-3	<input type="checkbox"/> M-1	<input type="checkbox"/> PBD-3	<input type="checkbox"/> PVD	<input type="checkbox"/> R-3	<input type="checkbox"/> TAC
<input type="checkbox"/> Parcels	<input type="checkbox"/> Parcel_Conflict	<input type="checkbox"/> <Null>	<input type="checkbox"/> A-2	<input type="checkbox"/> B-4	<input type="checkbox"/> M-1R	<input type="checkbox"/> PBD/*	<input type="checkbox"/> R-1	<input type="checkbox"/> R-3A	<input type="checkbox"/> UAE
<input type="checkbox"/> Railroad_ROW	<input type="checkbox"/> Parcels	<input type="checkbox"/> TAC	<input type="checkbox"/> AR	<input type="checkbox"/> B-4P	<input type="checkbox"/> M-2	<input type="checkbox"/> PD	<input type="checkbox"/> R-1A	<input type="checkbox"/> R-3B	

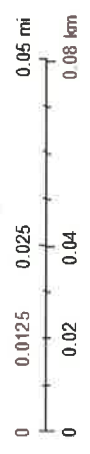
ArcGIS Web Map



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- River
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- Hawkins County Parcels
- Parcel_Conflict
- Lake_Pond
- Street_ROW
- Parcel_Conflict
- Parcel_Conflict
- Railroad_ROW
- Parcels
- Parcels

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APPLICATION
Board of Zoning Appeals



APPLICANT INFORMATION:

Last Name Whitt First Michael M.I. L. Date 2-17-2020
Street Address 3917 Thornton Dr Apartment/Unit #
City Kingsport State TN ZIP 37664
Phone 243 292-2551 E-mail Address Brenda543 aol.com

PROPERTY INFORMATION:

Tax Map Information Tax map: Group: Parcel: Lot:
Street Address Apartment/Unit #
Current Zone Proposed Zone
Current Use Proposed Use

REPRESENTATIVE INFORMATION:

Last Name Bowman First Syone M.I. Date 02/17/2020
Street Address 1273 Catawba St. Apartment/Unit #
City Kingsport State TN ZIP 37660
Phone (423) 765-7182 E-mail Address

REQUESTED ACTION:

Permission to Park food truck at Residence

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: Michael L Whitt

Date: 2-17-2020

Signed before me on this 17th day of February, 2020,
a notary public for the State of Tennessee
County of Sullivan

Notary Zane Kilby
My Commission Expires 6-25-2023



Board of Zoning Appeals Criteria and Application Requirements

The BZA utilizes the following Criteria in their decisions:

A Special Exception (conditional use) is an infrequent but desirable land use, which must be individually regulated for location and mode of operation due to its nature. The BZA will balance the public need for the specific use with possible adverse impacts upon the surrounding area if the special exception is granted.

Application Requirements of the Petitioner for a Special Exception:

1. Completed Application
2. Provide staff with a drawing/plan of the proposed building with dimensions, parking lots, existing and proposed driveway, required green space and traffic circulation patterns.

When applying for a special exception keep in mind the following and be prepared to answer:

1. What is the use, activities, hours of operation, numbers of anticipated customers and daily vehicles?
2. Are there accessible safe streets for anticipated traffic and adequate parking facilities on site?
3. Does the use and additions if any, fit with the neighborhood architecture aesthetics?
4. Will the use generate excessive noise, traffic, dust, etc.?
5. Is there proper fencing and screening to shield proposed use from existing neighborhood?
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?

**** All requested material must accompany a completed application form before it will be accepted by staff and placed on the Board of Zoning Appeals agenda. All application packets along with a \$100.00 processing fee must be turned into the Kingsport Planning Office before NOON on the 15th of the month prior to the month the item is to be heard by the Board of Zoning Appeals.**

Weems, Ken

From: Krista Lunan <makeeight2002@yahoo.com>
Sent: Wednesday, February 19, 2020 7:19 PM
To: Weems, Ken
Subject: Fw: Answers

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Sent from Yahoo Mail on Android

----- Forwarded Message -----

From: "Phenomj1 ." <tybo1368@gmail.com>
To: "Krista Lunan" <makeeight2002@yahoo.com>
Sent: Tue, Feb 18, 2020 at 2:59 PM
Subject: Answers

Hey, most of these questions appear as if we are working the truck here.

- 1) N/A - we do not operate truck on property.
- 2) N/A - no traffic as we do not operate on property.
- 3) N/A
- 4) Zero noise, dust, traffic etc.
- 5) Plan on moving back as far as possible and shielding with a utility cover
- 6) Zero health, safety or adverse conditions whatsoever.

Additionally, the food trailer is not on the property 60% of the time during our working season. (March - Dec). The only activities involve cleaning inside to prepare for the next event. Trailer is 100% self contained. In order for us to clean and organize, we must have an electric and water source. That is the biggest reason for needing the trailer at residence. Electric is used for running power to fridge and freezers. Storage lots do not provide any water source and only a handful have electric hookup. (Also, had our other food trailer stored in a lot and it was vandalized and broken into 2 times) Hence, we sold it.

Finally, in order for us to be able to work and basically make ends meet it is very necessary for us to have our trailer here. We will work with whatever means to accommodate within reason.

Thank you in advance for your time.

Ty Bowman
Krista Lunan

RVCOVERS
.com



Special Offer



WOLF READY-FIT

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

February 6, 2020

10:30 a.m.

Members Present:

Bill Sumner
Joe White
Calvin Clifton
Jeff Little
Tracey Cleek

Members Absent:

none

Staff Present:

Ken Weems, AICP

At 11:00 a.m., the BZA departed the Development Services Building, 201 W. Market St. to conduct a driving tour of property located at the intersection of Dale Street and Poplar Street. No official action was taken.

The driving tour concluded at 11:30 a.m.

Respectfully Submitted,

Ken Weems, AICP
Planning Manager

MINUTES OF THE KINGSPORT BOARD OF ZONING APPEALS (BZA)

February 6, 2020, Regular Meeting

Noon

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

Members Present:

Bill Sumner
Joe White
Calvin Clifton
Jeff Little
Tracey Cleek

Members Absent:

none

Staff Present:

Ken Weems, AICP
Page Jeffers

Visitors:

Peggy Harless
Payton Carter
Illionia Vance

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. All visitors were sworn in.

Public Hearing:

Case: 19-701-00036 – Property located at the intersection of Dale Street and Poplar Street, Control Map 0460, Group B, Parcel 002.00, requests reestablishment of a nonconforming use of a car dealership/ sales lot. The property is zoned B-2, Central Business District.

Ms. Peggy Harless presented the case to the Board. Ms. Harless stated that she desires to reestablish a car sales lot use on the property. Ms. Harless commented that her father used the property for car sales for many years during the 1960's and 1970's. Mr. Payton Carter stated that he is the manager of the adjacent car lot that wants to conduct the use on the property and that he is looking to expand. Mr. Clifton asked if the plan is to walk to the lot in question from the current car sales lot. Mr. Carter confirmed this plan via existing sidewalks. Ms. Illionia Vance inquired as to whether a structure could be built on the property. Mr. Weems stated that a structure can be built on the property in the future. Mr. Weems added that any new structures would have to accommodate B-2 zone setbacks.

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 December 5, 2019 meeting. Ms. Cleek seconded the motion. The motion passed, 5-0. Next, the Board stated for public record that the next application deadline is February 17, 2020 at noon for the meeting date of March 5, 2020.

Adjudication of Cases:

Case: 19-701-00036 – Property located at the intersection of Dale Street and Poplar Street, Control Map 046O, Group B, Parcel 002.00

The Board acknowledged the past use of the parcel for car sales. The Board acknowledged the conformance of the proposal with the submitted site plan for B-2 standards.

MOTION: made by Mr. Little, seconded by Mr. White, to grant reestablishment of the use of a car sales lot for the property, subject to implementation of the Site Plan for Lot 1, Block 65, City of Kingsport dated December 5, 2019 created by Danny L. Carr, RLS#1599 with an added contingency that the parking lot is not mandated to be striped unless it is required by city codes other than zoning.

VOTE: 5-0 to approve the request.

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

Respectfully Submitted,

Ken Weems, AICP
Planning Manager