

KINGSPORT BOARD OF ZONING APPEALS AGENDA  
REGULAR MEETING: July 2, 2020  
Council Room, City Hall

CALL TO ORDER – 12:00 P.M. NOON

INTRODUCTION / MEETING PROCEDURES

**PUBLIC HEARING:**

**Case: 20-701-00006 – Property located on Longreen Road, Control Map 060H, Group A, Parcel 003.00** requests a 15 foot front yard variance to Sec 114-201(e)1(c) for the purpose of constructing a new single family home. The property is zoned GC (Golf Course Community District).

***INTERESTED PARTIES:***

Owner: Michael Cooper  
2112 Heatherly Rd.  
Kingsport, TN 37660  
423.676-7488

Representative: Michael Cooper

**Case: 20-701-00007 – Property located at 4704 Sterling Lane, Control Map 062E, Group F, Parcel 003.00** requests a 20 foot variance to Sec 114-133(2) for the purpose of constructing a swimming pool in the side yard. The property is zoned R-1B (Residential District).

***INTERESTED PARTIES:***

Owner: Tyler Cabell  
4704 Sterling Lane  
Kingsport, TN 37664  
423.817.0620

Representative: Zane Larkins

**Case: 20-701-00008 – Property located at 846 Martin Luther King Jr. Drive, Control Map 061B, Group G, Parcel 025.00** requests a 30-space parking reduction variance to Sec 114-564(4)f for the purpose of establishing a sports bar restaurant use on the property. The property is zoned PVD (Planned Village District).

***INTERESTED PARTIES:***

Owner: Carl Swann  
217 Carver St.

Kingsport, TN 37660  
423.245.9096

Representative: Carl Swann

**BUSINESS:**

**Approval of the June 4, 2020 regular meeting minutes.**

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

**ADJUDICATION OF CASES:**

**ADJOURNMENT:**

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, July 2, 2020 will be conducted beginning at NOON in the Kingsport City Hall Council Room, 225 W. Center Street, Kingsport, Tennessee.

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

**Case: 20-701-00006 – Property located on Longreen Road, Control Map 060H, Group A, Parcel 003.00** requests a 15 foot front yard variance to Sec 114-201(e)1(c) for the purpose of constructing a new single family home. The property is zoned GC (Golf Course Community District).

**Case: 20-701-00007 – Property located at 4704 Sterling Lane, Control Map 062E, Group F, Parcel 003.00** requests a 20 foot variance to Sec 114-133(2) for the purpose of constructing a swimming pool in the side yard. The property is zoned R-1B (Residential District).

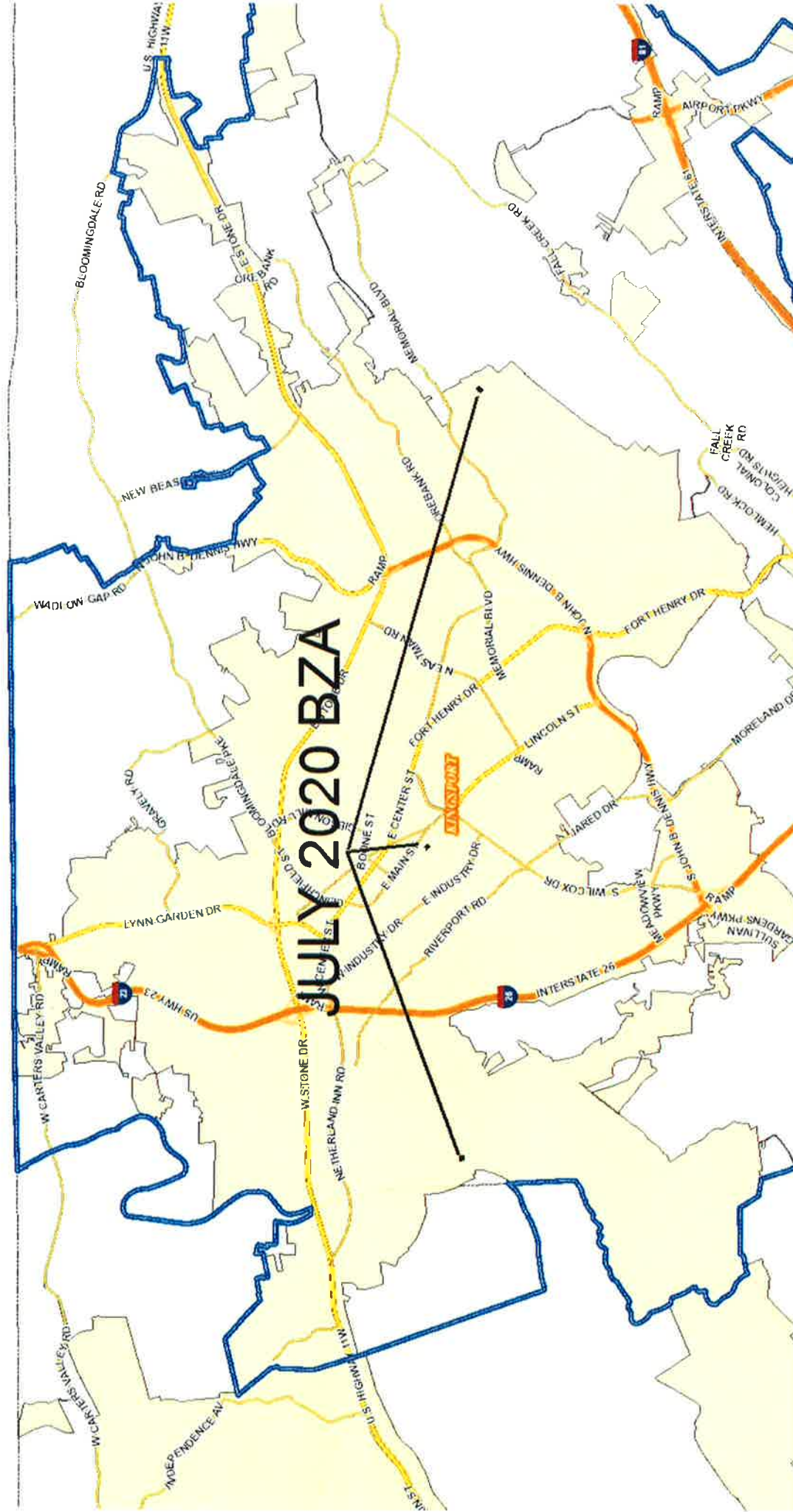
**Case: 20-701-00008 – Property located at 846 Martin Luther King Jr. Drive, Control Map 061B, Group G, Parcel 025.00** requests a 30-space parking reduction variance to Sec 114-564(4)f for the purpose of establishing a sports bar restaurant use on the property. The property is zoned PVD (Planned Village 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.

All City of Kingsport public meetings are conducted in accessible locations. If you require accommodations to participate in this meeting, these may be requested by calling (423) 229-9485 or by emailing [ADAContact@KingsportTN.gov](mailto:ADAContact@KingsportTN.gov) at least 72 hours in advance. Copies of any documents used are available in accessible formats upon request.

CITY OF KINGSPORT  
Angie Marshall, City Clerk  
PIT: 6/22/2020

# ArcGIS Web Map



9/2020, 2:13:34 PM

Urban Growth Boundary

172 224





TO: KINGSPORT BOARD OF ZONING APPEALS

FROM: Ken Weems, AICP, Planning Manager

DATE: June 19, 2020

RE: Longreen Road (Future address of 2157 Longreen Road)

The Board is asked to consider the following request:

**Case: 20-701-00006 – Property located on Longreen Road, Control Map 060H, Group A, Parcel 003.00** requests a 15 foot front yard variance to Sec 114-201(e)1(c) for the purpose of constructing a new single family home. The property is zoned GC (Golf Course Community District).

The R-1A district contains the following minimum yard requirements:

*c. Front yard. Minimum front yard setback shall be 40 feet.*

*d. Side yard. Minimum side yard setback shall be ten feet for one or two stories; 15 feet for three stories; plus 50 percent of the side yard setback listed above for a side yard abutting a public street.*

*e. Rear yard, minimum rear yard setback shall be 30 feet.*

The back of the lot experiences a sharp rise in the rear of the property. This change in topography is the reason for the front yard variance request.









**APPLICATION**  
Board of Zoning Appeals



**APPLICANT INFORMATION:**

Last Name	Cooper	First	Michael	M.I.		Date	6-11-20
Street Address	2112 Heatherly Rd.					Apartment/Unit #	
City	Kingsport	State	TN	ZIP	37660		
Phone	423-676-7488		E-mail Address				mwcooper23@gmail.com

**PROPERTY INFORMATION:**

Tax Map Information	Tax map: 604 Group: A	Parcel: 003.00	Lot: 13	Plat Book 7 page 115			
Street Address	Longreen Rd.					Apartment/Unit #	
Current Zone			Proposed Zone				
Current Use	Lot (vacant)		Proposed Use New Construction House				

**REPRESENTATIVE INFORMATION:**

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

**REQUESTED ACTION:**

Currently front setback is 40ft since in golf course district. Not ~~near~~ across from golf course, over 1/2 lot is wooded & up steep mountain. Can only use 1/2 lot for building. Requesting front setback be set at 25' with city currently owning the 1st 12 to 15' from Road. Majority of city lots are 30' setback.

**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 Cooper Date: 6-11-20

Signed before me on this June day of 11<sup>th</sup>, 2020

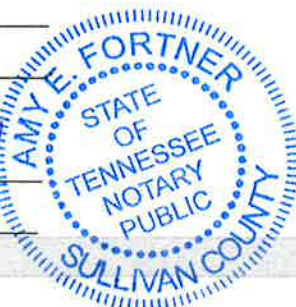
a notary public for the State of Tennessee

County of Sullivan

Notary Amy E. Fortner

My Commission Expires 9/29/21

**CITY PLANNING OFFICE**





## 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 Lot is currently 60% mountain with trees in the back so building a comparable size house for Longreen is impossible without changing the current setback (Front) from 40' to 30' minimum. 25' would be better. Majority of Ridgefields is 30'.

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

To meet the Ridgefields building requirements for livable sq footage we must build a 2 story house. To make this possible and affordable we are only asking to move the front of the house up from 40' to 25'.

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.

This lot has never been built on, all city services are in place and we plan to build this year. ~~that~~ we just purchased the lot and assumed 30' ft setback like the majority of houses in Kpt. We just finished 1625 Fairfield New construction with 30' ft setback. Finally building an asking for 25'.

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 side 10' setbacks will stay in place with the house on the left (2165 Longreen) we will be 15' to 20' (large hill) from minimum setback. If approved for a 25' front setback on left. ~~we~~ we will be able to stay 10 to 12' from property on right (2173 Longreen). A nice well built house (Plans attached) will help the neighborhood value while not blocking any views of River/mountains.

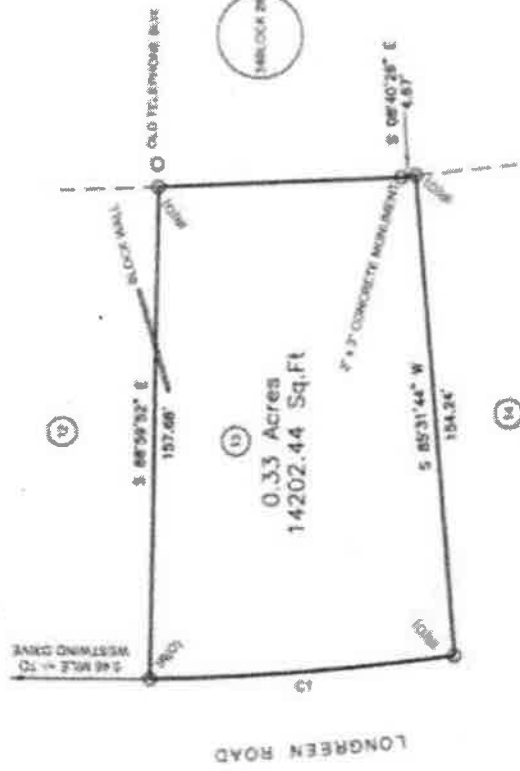
Further, a variance may be granted only if the Board finds that such relief may be granted without to others substantial detriment to the public good and without substantially impairing the intent and purpose of the zoning plan and this chapter. Variances shall not be granted permitting an increase in 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.



LONGGREEN ROAD  
3.46 MILE TO  
WESTING DRIVE



Legend  
WFO - Iron Road Overhead  
WFO - 10\"/>

This survey is subject to any and all restrictions,  
easements, rights of way, encumbrances, and other  
interests as shown or indicated on the survey  
or not shown.

FLOOD INSURANCE NOTE  
No property is in  
Zone 1 or 2 of the Flood  
Insurance Rate Map.  
Community Panel Number:  
47100, 00400, effective  
date of 5/27/20, 2000, 1, last  
designated as only be  
determined by an elevation  
certificate issued on the  
above information. No  
property is in a  
Special Flood Hazard Area.



This map is a Category 1 survey and the  
accuracy of the survey is 1:10,000, as shown herein.  
The survey was done in compliance with current  
Tennessee Minimum Standards of Practice for Land  
Surveyors as of the date of this map (or Map).

Weems Land Surveyor  
Registered Reg. No. 1845  
Box 274  
19000, TN 37067  
(615) 1216  
L. jay@weemslandsurvey.com

### HOSSEIN AND ZAHRA FAIZ PROPERTY

DRAWN GW	DATE 3/11/2020	17TH CIVIL DISTRICT OF SULLIVAN COUNTY, TN W.D.B. 590C - PAGE 252 LOT 13 BLOCK 29 OF RIDGEFIELDS PLAT BOOK 7 - PAGE 115 TAX MAP 000M "A" PARCEL 003 00
APPROVED GW	DATE 3/11/2020	
SCALE 1" = 50'	SHEET	PROJECT NO. SUL00071A-003 00





Aerial Photography

Street Map

Show FEMA DFIRM Flood Map

Hide Property Lines



Plan Number 49083 | Order Code: 00WEB

COOLhouseplans.com

U.S. customers call 1-800-482-0464 | Canadian customers call 1-800-361-7526



**Plan Number: 49083**

- ▶ 1700 Total Living Area
- ▶ 1049 Main Level
- ▶ 651 Upper Level
- ▶ 4 Bedrooms
- ▶ 2 Full Bath(s)
- ▶ 1 Half Bath(s)
- ▶ 2 Car Garage
- ▶ 48' Wide x 39' Deep

**Available Foundation Types:**

- ▶ Basement

**Order Code: 00WEB**

- ▶ 5 Sets: \$610.00
  - ▶ 8 Sets: \$630.00
  - ▶ PDF File: \$700.00
  - ▶ CAD File: \$800.00
  - ▶ Materials List: \$90.00
  - ▶ Right Reading (True) Reverse: \$100.00
- All sets will be Readable Reverse copies. Turn around time is usually 3 to 5 business days.
- ▶ Additional Sets: \$35.00



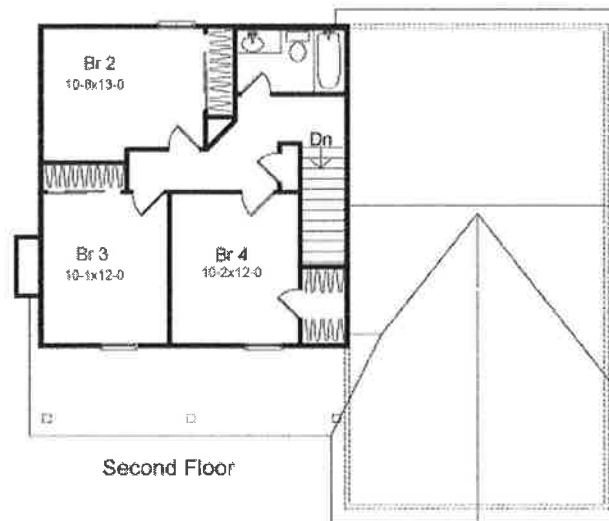
Plan Number 49083 | Order Code: 00WEB | Front Elevation

◁ REVERSE PLAN ▷



Plan Number 49083 | Order Code: 00WEB | First Floor Plan

REVERSE PLAN



Plan Number 49083 | Order Code: 00WEB | Second Floor Plan

REVERSE PLAN



Plan Number 49083 | Order Code: 00WEB | Rear Elevation





TO: KINGSPORT BOARD OF ZONING APPEALS

FROM: Ken Weems, AICP, Planning Manager

DATE: June 19, 2020

RE: 4704 Sterling Lane

The Board is asked to consider the following request:

**Case: 20-701-00007 – Property located at 4704 Sterling Lane, Control Map 062E, Group F, Parcel 003.00** requests a 20 foot variance to Sec 114-133(2) for the purpose of constructing a swimming pool in the side yard. The property is zoned R-1B (Residential District).

The property is currently in the process of being combined via replat. The 20' distance is measured from the rear of the existing house to the portion of the pool structure proposed as closest to Sterling Lane. Supportive neighborhood letters accompany the request.

# ArcGIS Web Map



9/2020, 2:21:33 PM

- Kpt 911 Address
- Iivan County Parcels**
  - Lake\_Pond
  - Parcel\_Conflict
  - Parcels
  - Railroad\_ROW
- Hawkins County Parcels**
  - Lake\_Pond
  - Parcel\_Conflict
  - Parcels
- River
- Street\_ROW
- Railroad\_ROW**
- River
- Street\_ROW
- Urban Growth Boundary

1:1 128





# ArcGIS Web Map



9/20/20 2:22:03 PM

11.128



Kpt 911 Address	River	Railroad_ROW	TAC	AR	B-4P	M-2	PD	R-1A	R-3B
<b>Ivan County Parcels</b>									
Lake_Pond	Street_ROW	River	R-5	B-1	B-4P	MX	PMD-1	R-1B	R-4
Parcel_Conflict	<b>Hawkins County Parcels</b>	Street_ROW	GC	B-2	BC	P-1	PMD-2	R-1C	Split
Parcel_Conflict	Lake_Pond	Urban Growth Boundary	B-2E	B-3	GC	P-D	PUD	R-2	TA
Parcels	Parcel_Conflict	City Zoning	A-1	B-3	M-1	PBD-3	PVD	R-3	TA-C
Railroad_ROW	Parcels	<Null>	A-2	B-4	M-1R	PBD/*	R-1	R-3A	UAE



**APPLICATION**  
Board of Zoning Appeals



<b>APPLICANT INFORMATION:</b>			
Last Name <b>Cabell</b>	First <b>Tyler</b>	M.I.	Date <b>6/12/20</b>
Street Address <b>4704 Sterling Ln</b>		Apartment/Unit #	
City <b>Kingsport</b>	State <b>TN</b>	ZIP <b>37664</b>	
Phone <b>423-817-0620</b>	E-mail Address <b>Zane9113@yahoo.com</b>		
<b>PROPERTY INFORMATION:</b>			
Tax Map Information		Group:	Parcel: Lot:
Street Address <b>4704 Sterling Ln</b>		Apartment/Unit #	
Current Zone	Proposed Zone		
Current Use	Proposed Use		

**REPRESENTATIVE INFORMATION:**

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

**REQUESTED ACTION:**

**Pool inserted (inground) to right of house + set back at least 8ft from front of house**

**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: *Tyler L. Cabell* Date: *6/12/2020*

Signed before me on this *12th* day of *June*, 20*20*

a notary public for the State of *Tennessee*

County of *Knox*

Notary *Anya K. Holbert*

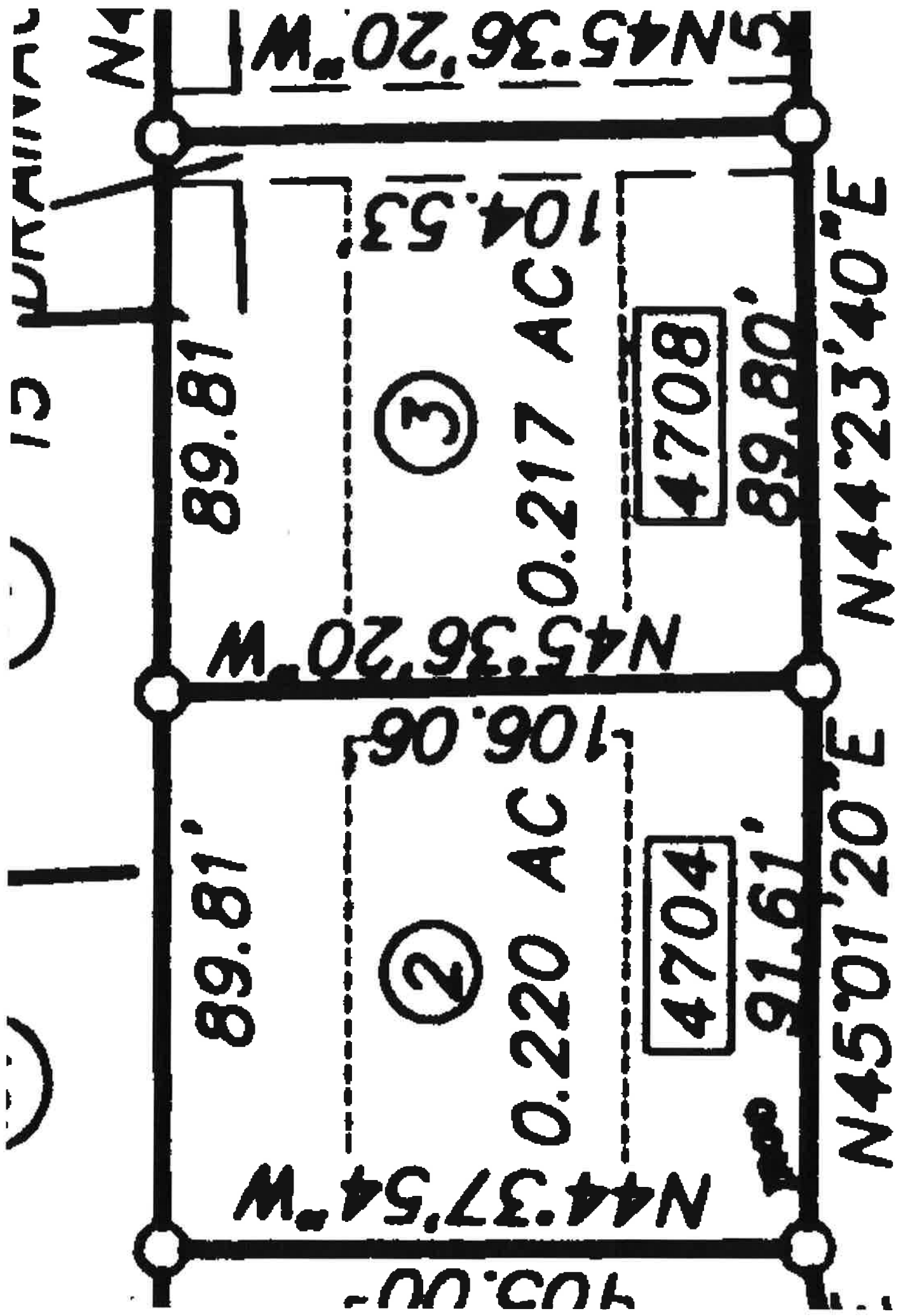
My Commission Expires *3.3.2021*

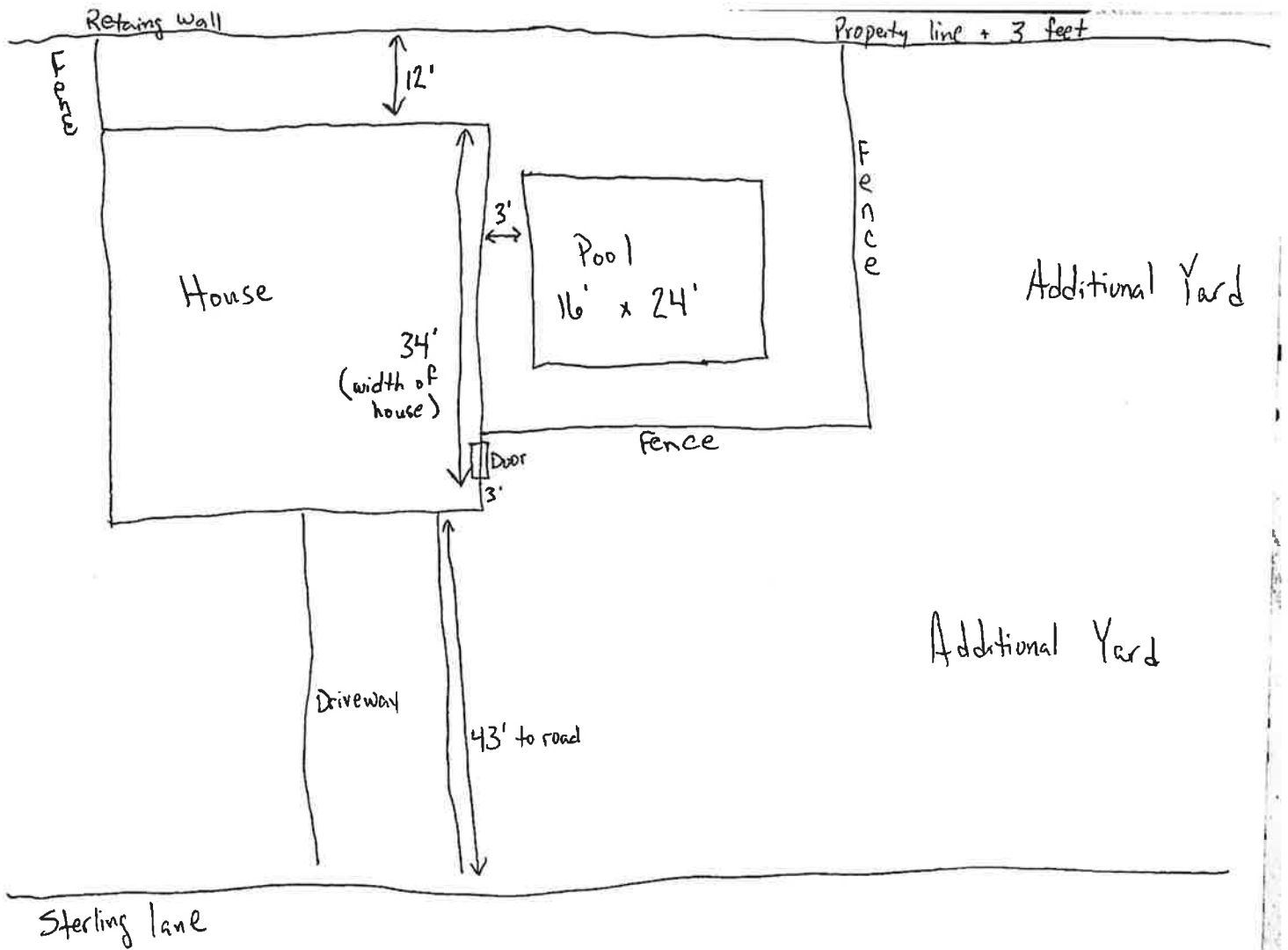


**CITY PLANNING OFFICE**

Received Date:	Received By:
Application Fee Paid:	
Board of Zoning Appeals Meeting Date:	
Section of Applicable Code:	
Building/Zoning Administrator Signature:	Date:
Completed Site Plans Received:	
Previous requests or file numbers:	
Signature of City Planner:	Date:







June 8, 2020

I hereby acknowledge that I am in agreement with Lorrie and Zane Larkins, the new buyers of 4704 Sterling Lane, that the addition of a pool and white vinyl 5ft privacy fence to the right side of the residence is acceptable and not infringing on our neighborhood.

Also Lorrie and Zane acknowledge and respect privacy and will abide by any and all noise ordinances. Lorrie and Zane will also abide by the city codes on placing the pool and fence in accordance with the city permit codes. Attached at the bottom of document is an example of the privacy fence that would be installed and will not go past the front of the house.

By signing the below I agree that I give my approval to the above fore mentioned for approval by the Kingsport City Building Code Enforcement.

Home Owner Name (Print) THERESA SLOAN  
Address 4703 STERLING LANE  
Phone Number 423-963-0552  
Signature Theresa Sloan Date 6/8/20

Home Owner Name (Print) Rebecca Holt  
Address 4699 Sterling Lane  
Phone Number 423-946-5312  
Signature Rebecca Holt Date 6/8/20

Home Owner Name (Print) Sherri Lea  
Address 4732 Sterling Ln  
Phone Number 813-610-7250  
Signature Sherri Lea Date \_\_\_\_\_



Home Owner Name (Print) Rebecca Swicker  
Address 4747 Sterling Lane  
Phone Number \_\_\_\_\_  
Signature Rebecca Swicker Date 6-8-2020

Home Owner Name (Print) Jeff Jenkins  
Address 4716 Sterling Ln  
Phone Number (423) 246-6324  
Signature Jeff Jenkins Date \_\_\_\_\_  
Baro Lewis

Home Owner Name (Print) \_\_\_\_\_  
Address 4623 Sterling Lane  
Phone Number 423 408-0674  
Signature [Signature] Date 6/8/20

Home Owner Name (Print) Joseph L Robbins  
Address 4707 Sterling Ln  
Phone Number 423-244-7779  
Signature Joseph L Robbins Date 6/8/2020

---

Home Owner Name (Print) Elizabeth Britt  
Address 4700 Sterling Ln  
Phone Number 423 502 6791  
Signature EBritt Date 6.8.20

Home Owner Name (Print) \_\_\_\_\_  
Address \_\_\_\_\_  
Phone Number \_\_\_\_\_  
Signature \_\_\_\_\_ Date \_\_\_\_\_

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TO: KINGSFORT BOARD OF ZONING APPEALS

FROM: Ken Weems, AICP, Planning Manager

DATE: June 19, 2020

RE: 846 Martin Luther King Jr. Dr.

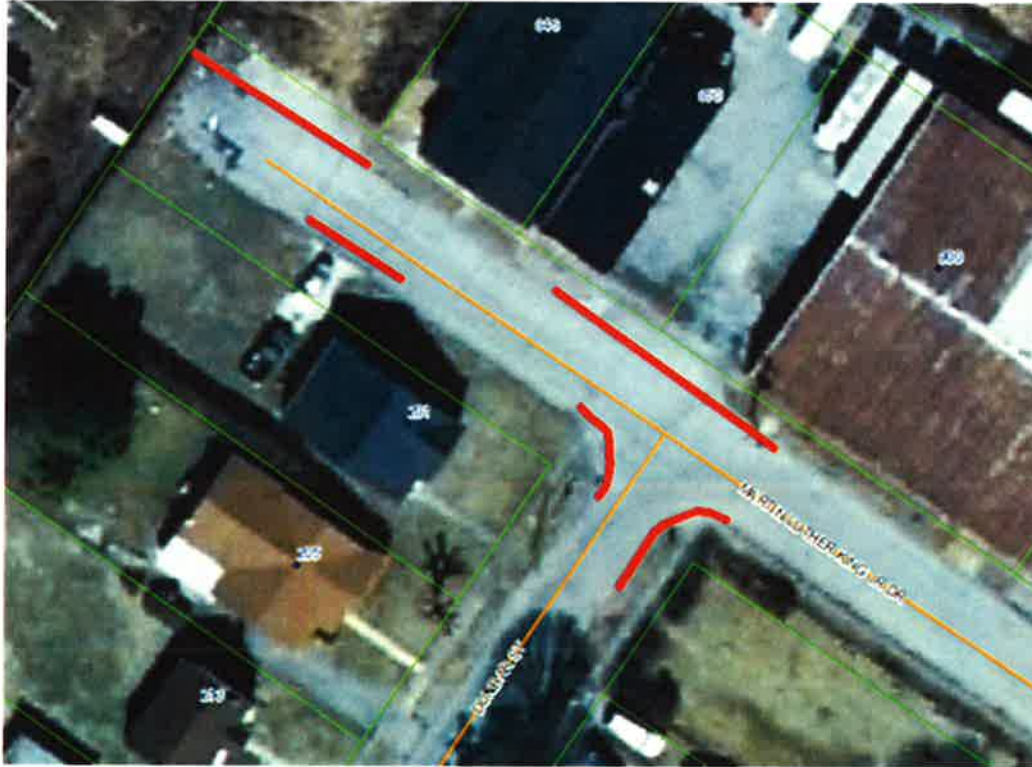
The Board is asked to consider the following request:

**Case: 20-701-00008 – Property located at 846 Martin Luther King Jr. Drive, Control Map 061B, Group G, Parcel 025.00** requests a 30-space parking reduction variance to Sec 114-564(4)f for the purpose of establishing a sports bar restaurant use on the property. The property is zoned PVD (Planned Village District).

The owner/applicant desires to start a sports bar restaurant use on the property. The property is mostly covered with an existing structure. After reviewing the parking requirement (below) with the applicant, a determination has been made that a total of 30 parking spaces are needed. Subsequently, a 30 parking space reduction, which is a total elimination of all required parking, has been applied for.

*f. Eating establishment: one space per four seats plus one space per two employees where seating is at tables, or one space per two seats plus one space per two employees where seating is at the counter.*

Our Traffic Superintendent supplied a graphic on the following page that shows areas where legal on-street parking is permitted.

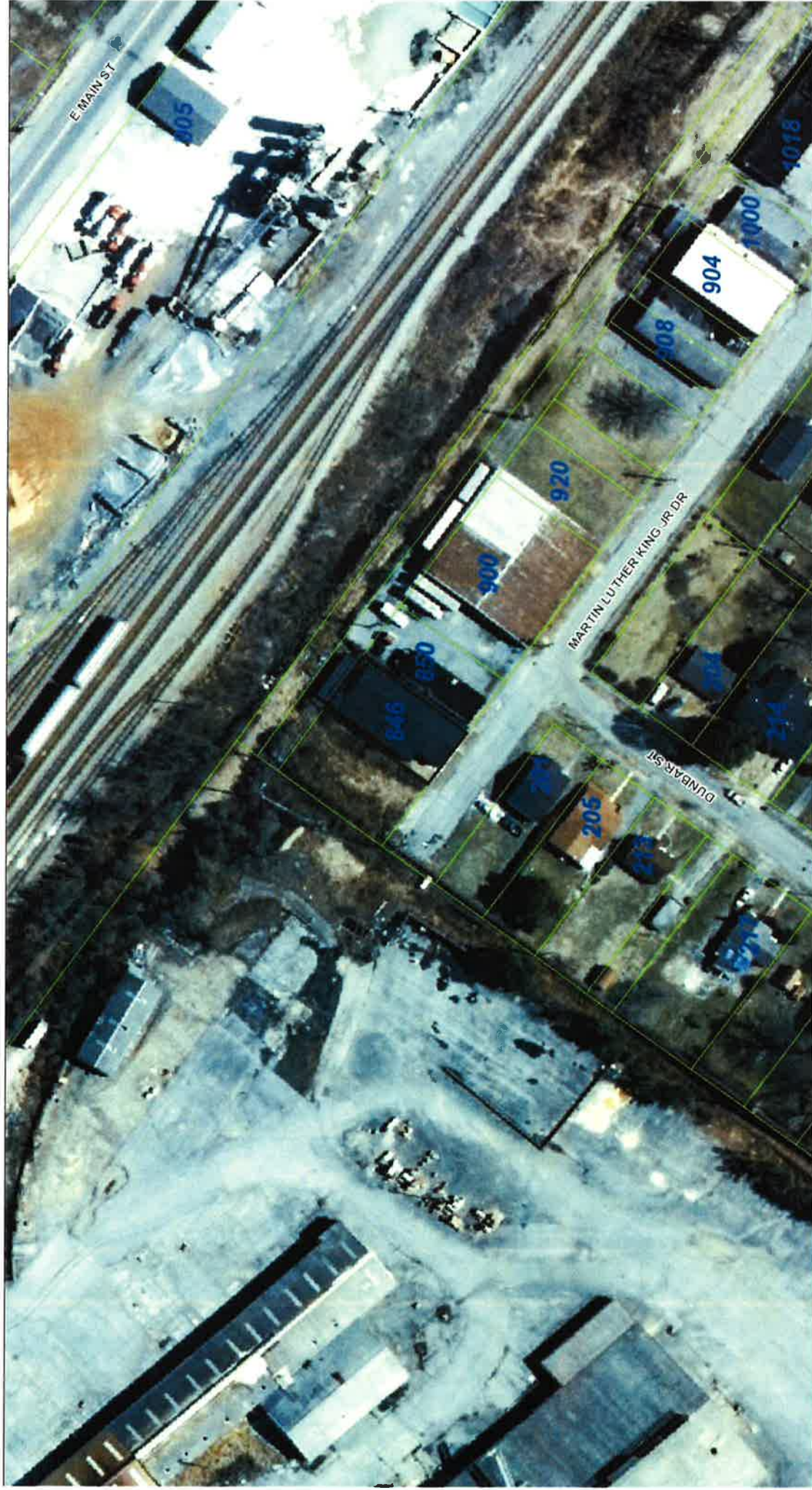


Areas in red are prohibited by ordinance. Currently no signs in place but that's common for area's covered by ordinance

- 5' from driveway apron or public roadway
- Within an intersection
- 30' from stop sign



# ArcGIS Web Map



9/20/2020, 2:20:29 PM

Kot 911 Address

Iliwan County Parcels

Lake\_Pond

Parcel\_Conflict

Parcels

Railroad\_ROW

River

Street\_ROW

**Hawkins County Parcels**

Lake\_Pond

Parcel\_Conflict

Parcels

Railroad\_ROW

River

Street\_ROW

Urban Growth Boundary



Address / Lot Number	Color
846	Yellow
850	Yellow
900	Yellow
920	Yellow
908	Yellow
904	Yellow
1000	Yellow
1018	Yellow
201	Orange
205	Orange
213	Orange
217	Orange
204	Orange
214	Orange

Map showing the Kpt 911 Address area with various land use categories and a legend.

**Legend:**

- Land Use Categories:**
  - River
  - Railroad\_ROW
  - Street\_ROW
  - City Zoning
  - Lake\_Pond
  - Parcel\_Conflict
  - Parcels
  - Railroad\_ROW
- Hawkins County Parcels:**
  - AR
  - B-1
  - B-2
  - B-3
  - B-2E
  - A-1
  - A-2
- Parcel Types:**
  - PD
  - PMD-1
  - PMD-2
  - PUD
  - PVD
  - R-1
  - R-3B
  - R-4
  - Split
  - TA
  - TA-C
  - UAE
- Other Labels:**
  - B-4P
  - B-4P
  - BC
  - GC
  - M-1
  - M-1R
  - M-2
  - MX
  - P-1
  - P-D
  - PBD-3
  - PBD/\*
  - R-1A
  - R-1B
  - R-1C
  - R-2
  - R-3
  - R-3A

Scale: 0 to 0.05 miles, 0 to 0.08 kilometers.



# APPLICATION

Board of Zoning Appeals



## APPLICANT INFORMATION:

Last Name	SWANN	First	Carl	M.I.	E.	Date	6/19/20
Street Address	217 Carver St			Apartment/Unit #			
City	Kingsport	State	TH	ZIP		37660	
Phone	423 245-7076			E-mail Address			NONE

## PROPERTY INFORMATION:

Tax Map Information	Tax map: 6618 Group: C	Parcel: 25 Lot:	
Street Address	846 MLK, Jr.	Apartment/Unit #	
Current Zone	PVD	Proposed Zone	NO Change
Current Use	Vacant Bldg.	Proposed Use	Sports Bar

## REPRESENTATIVE INFORMATION:

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

## REQUESTED ACTION:

Required parking reduction of 30 spaces

## 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: Carl E. Swann

Date: 6/19/20

Signed before me on this 19 day of June, 2020

a notary public for the State of Tennessee

County of Sullivan

Notary Angela L. Marshall

My Commission Expires 9/25/22



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

Parking has historically been in the street in this area.

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.

## 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.

Parcel covered by bldg. I need to be able to park in street.

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

Without off street parking the venture in quest would be useless to me.

- 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.

Never been able to drive onto property from the street since acquiring property

## MINUTES OF THE KINGSPORT BOARD OF ZONING APPEALS (BZA)

### June 4, 2020, Regular Meeting

Noon

City Hall Council Room

#### Members Present:

Bill Sumner

Joe White

Tracey Cleek

Calvin Clifton

Jeff Little

#### Members Absent:

none

#### Staff Present:

Ken Weems, AICP

Jessica Harmon

Alison Fields

#### Visitors:

Jeff Begley

Chairman Sumner called the meeting to order.

Chairman Sumner explained the meeting procedures.

Ms. Alison Fields conducted the swearing in ceremony for those wishing to speak during the regular meeting. Jeff Begley was sworn in.

#### **Public Hearing:**

**Case: 20-701-00005 – Property located at 5018 Preston Park Dr., Control Map 047M, Group D, Parcel 002.00** requests a 10 foot front yard variance to Sec 114-182(e)1(c) for the purpose of constructing a new single family home. The property is zoned R-1A (Residential District).

Mr. Jeff Begley presented the case to the Board. Mr. Begley stated that the severe drop at the rear of the parcel is the reason behind the request. Mr. Begley stated that he was able to move the house as close as possible to the rear of the structure. Mr. Begley stated that other lots in the subdivision would need similar setback relief.

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 regular meeting minutes from the April 2, 2020 meeting. Mr. White seconded the motion. The motion passed, 4-0. Next, the Board stated for public record that the next application deadline is June 15, 2020 at noon for the meeting date of July 2, 2020.

#### **Adjudication of Cases:**

**Case: 20-701-00005 – Property located at 5018 Preston Park Dr., Control Map 047M, Group D, Parcel 002.00**

The Board acknowledged the hardship of the severe slope in the rear of the subject parcel.



MOTION: made by Mr. Clifton, seconded by Ms. Cleek, to grant the 10 foot front yard variance as requested

VOTE: 4-0 to approve the request.

With no further business the meeting was adjourned at 12:11 p.m.

Respectfully Submitted,

Ken Weems, AICP  
Planning Manager