

KINGSPORT BOARD OF ZONING APPEALS AGENDA

REGULAR MEETING: June 4, 2020

Council Room, City Hall

CALL TO ORDER – 12:00 P.M. NOON

INTRODUCTION / MEETING PROCEDURES

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).

INTERESTED PARTIES:

Owner: Ocean Valley Trust
135 W. Main Street
Kingsport, TN 37660
423.677.5455

Representative: Jeff Begley

BUSINESS:

Approval of the April 2, 2020 regular meeting minutes.

Stating for public record, the next application deadline is June 15, 2020 at noon, and meeting date (Thursday, July 2, 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, June 4, 2020 will be conducted beginning at NOON in the Council Room of City Hall, 225 W. Center St., Kingsport, Tennessee.

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

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).

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
PIT: 5/27/20



TO: KINGSPORT BOARD OF ZONING APPEALS

FROM: Ken Weems, AICP, Planning Manager

DATE: May 26, 2020

RE: 5018 Preston Park Dr.

The Board is asked to consider the following request:

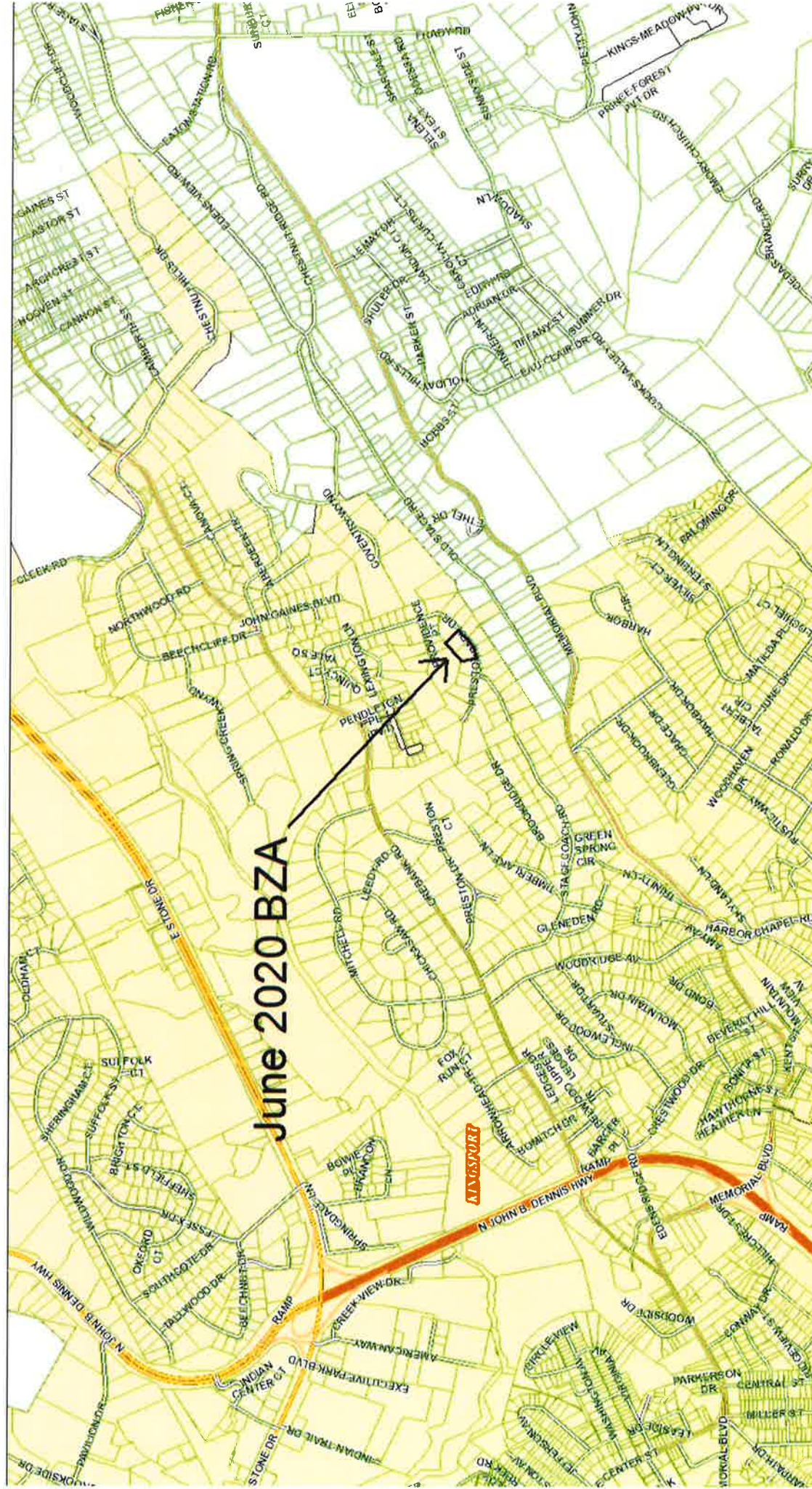
Case: 20-701-00005 – Property located at 5018 Preston Park Dr., Control Map 047M, Group D, Parcel 002.00 requests a 10 foot front yard variance to Sec 114-182(e)1(c) for the purpose of constructing a new single family home. The property is zoned R-1A (Residential District).

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

(e)Dimensional requirements. The minimum and maximum dimensional requirements for the R-1A district are as follows:(1)Minimum requirements.a.Lot area, 10,000 square feet.b.Lot frontage, 60 feet.c.Front yard, 40 feet.d.Each side yard:1.Ten feet for one or two stories;2.15 feet for three stories;3.Plus 50 percent on the street side yard.e.Rear yard, 30 feet.f.Usable open space, not applicable.

The back of the lot experiences a sharp drop as indicated on the attached site plan. This abrupt change in topography is the reason for the front yard variance request.

ArcGIS Web Map



6/2020, 1:58:41 PM

- Ivan 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

ArcGIS Web Map



6/2020, 1:56:54 PM

Kpt 911 Address

River

Street_ROW

Lake_Pond

Parcel_Conflict

Parcels

Railroad_ROW

Railroad_ROW

River

Street_ROW

Lake_Pond

Parcel_Conflict

Parcels

Hawkins County Parcels

Lake_Pond

Parcel_Conflict

Parcels

Urban Growth Boundary

City Zoning

<Null>

TAC

R-5

GC

B-2E

A-1

A-2

AR

B-1

B-2

B-3

B-3

B-4

B-4P

B-4P

BC

GC

M-1

M-1R

M-2

MX

P-1

P-D

PBD-3

PBD/P

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

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1:2,257

Web AppBuilder for Arc

APPLICATION

Board of Zoning Appeals



APPLICANT INFORMATION:

Last Name Ocean Valley Trust First _____ M.I. _____ Date 5/20/2020
Street Address _____ Apartment/Unit # _____
City _____ State _____ ZIP _____
Phone _____ E-mail Address _____

PROPERTY INFORMATION:

Tax Map Information Tax map: 04711 Group: D Parcel: 0471100.25 Lot: 2.5 #26 (replatted)
Street Address 5018 Preston Park Dr. Apartment/Unit # _____
Current Zone _____ Proposed Zone _____
Current Use Single Family Proposed Use single - family (same)

REPRESENTATIVE INFORMATION:

Last Name Bagley First Jeff M.I. S Date 5/20/2020
Street Address 104 Dillows Circle Apartment/Unit # _____
City Kingsport, TN. State TN. ZIP 37663
Phone 423-677-5455 E-mail Address _____

REQUESTED ACTION:

Request Front yard setback from 40 ft to 30 ft. to allow the new house to set on the level part of the lot & not over the edge of slope.

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: Jeff E. Bagley, Trustee

Date: 5/20/2020

Signed before me on this 20th day of May, 2020,

a notary public for the State of TN

County of Sullivan

Notary Glenda J Venable

My Commission Expires 5/22/2023

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.

This property has some good buildable areas but it is shallow in depth and the proposed plan is pushing the back of the house over the edge of ^{the} hill by about 10'-12' ft, which makes it really hard to properly use this area.

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

Our request to move the house to a 30' ft. set-back would allow a much better use of the Building site for this new home. This only affects the front wall of the Garage, which is only 24' feet wide.

- 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.

By Building on Hillside locations such as "The Summit" sometimes we have to ask for relief from a City Code requirement to best use the property. "This is only the front of garage that we ask for the variance." 24'

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

With the total layout and design of the house, by allowing us to move it forward will not harm anyone and will create a better driveway and a better total look of the home and allow us to save money and time and it also allows all the foundation work to be on solid soil.

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.

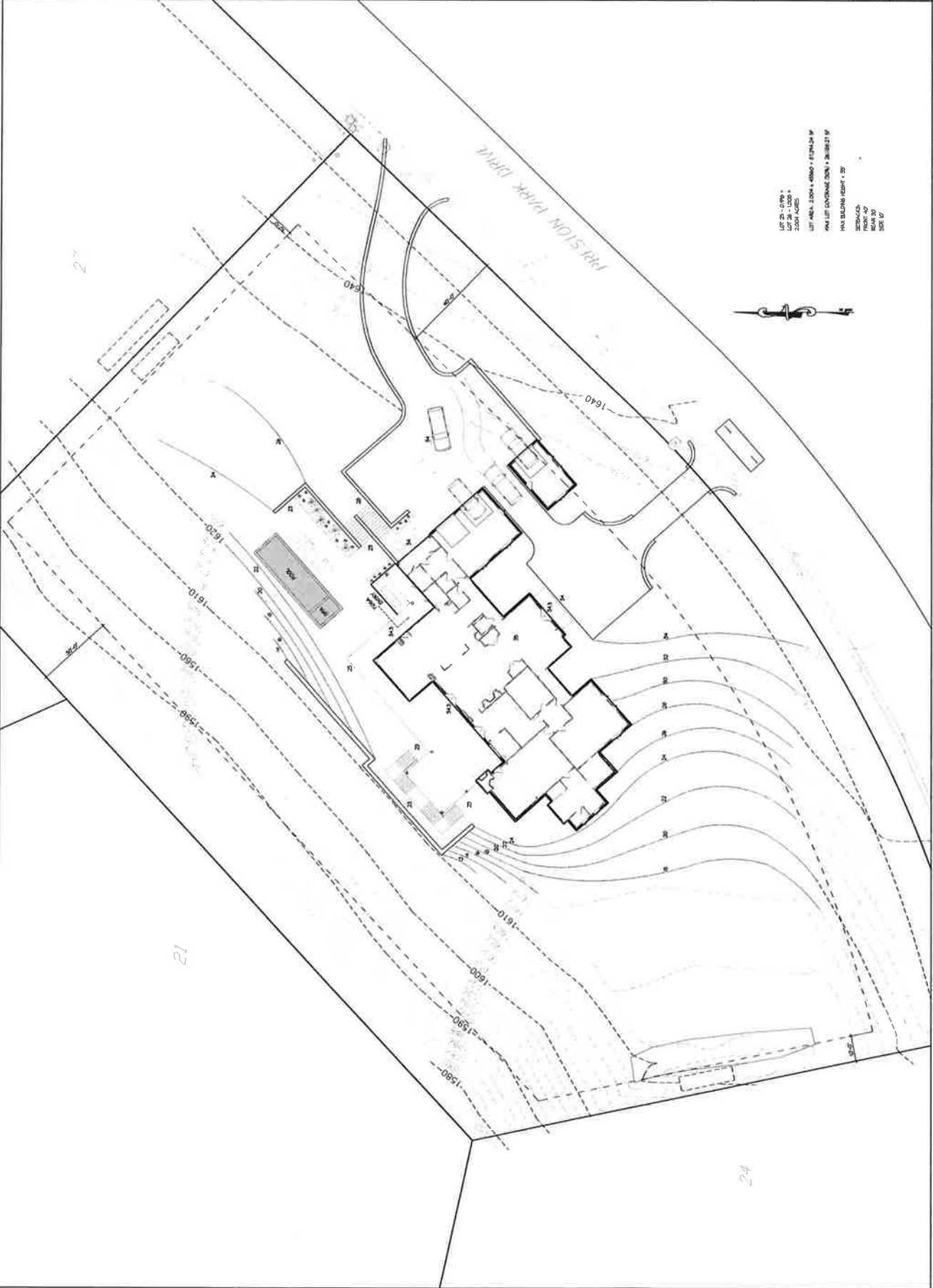
030

DATE: 11/11/2020
SCALE: 1/8" = 1'-0"

OCEAN VALLEY TRUST
25/26 SUMMIT AT PRESTON PARK
KINGSPORT, TN 37664
PROJECT NO. 2020-0004
DESIGN DEVELOPMENT PASS 5

DATE: 11/11/2020
DATE: 11/11/2020
DATE: 11/11/2020

BROOKS & PATTON ASSOCIATES, LLP
ARCHITECTURE + DESIGN
1000 RICHMOND AVENUE, SUITE 200
KINGSPORT, TN 37664
TEL: 615.299.1100
WWW.BROOKSPATTON.COM

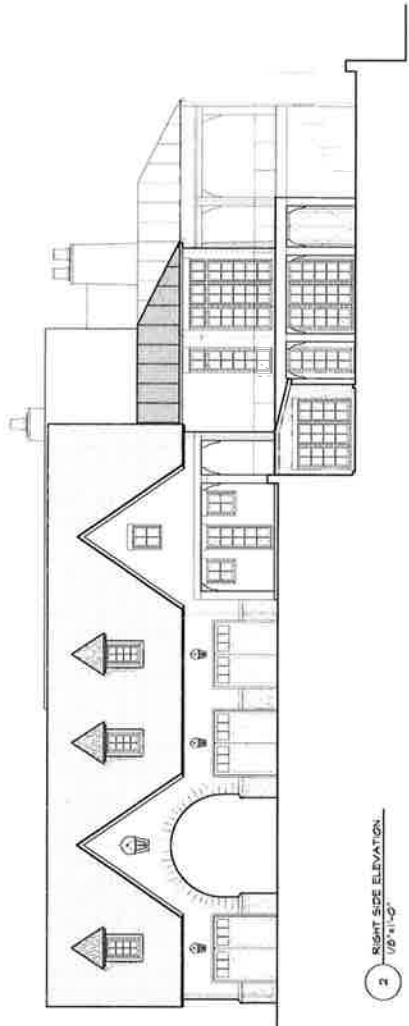


LOT 25 - 0.09 AC
LOT 26 - 1.00 AC
2.09 AC TOTAL
LOT AREA: 1.09 AC ± 40,000 ± 8,000 ± 21 SF
TOTAL LOT COVERAGE: 20% ± 20
MAX BUILDING HEIGHT: 20
SETBACKS:
FRONT: 40'
SIDE: 10'
REAR: 10'

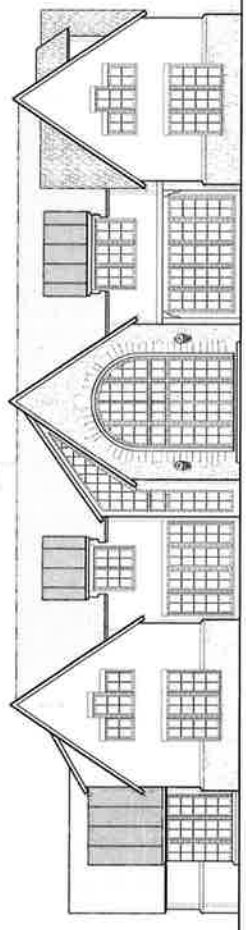
OCEAN VALLEY TRUST
25/26 SUMMIT AT PRESTON PARK
KINGSPORT, TN 37664
DESIGN DEVELOPMENT PASS 5

DATE 01/11/20

BROOKS & FALLOTTO ASSOCIATES, LLP
ARCHITECTURE + DESIGN
1000 PINE STREET, SUITE 200, CHATTANOOGA, TN 37403
TEL: 423.249.1100 FAX: 423.249.1101
WWW.BROOKSANDFALLOTTO.COM



2 RIGHT SIDE ELEVATION
1/8" = 1'-0"



1 FRONT ELEVATION
1/8" = 1'-0"

MINUTES OF THE KINGSPORT BOARD OF ZONING APPEALS (BZA)

April 2, 2020, Regular Meeting

Noon

City Hall Courtroom with enabled videoconferencing

Members Present:

Bill Sumner
Joe White
Tracey Cleek
Calvin Clifton
Jeff Little

Members Absent:

none

Staff Present:

Ken Weems, AICP
Jessica Harmon
Page Jeffers

Visitors:

John Rose
Terry Cox

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. John Rose and Terry Cox were sworn in.

Public Hearing:

Case: 20-701-00003 – Property located at 3100, 3120, 3130, and 3140 E. Stone Dr., Control Map 032 and 032P, Group C, Parcels 001.00, 002.00, 003.00, and 015.20 requests a 25 foot periphery yard variance to Sec 114-230(c) for the purpose of constructing a commercial building. The property is zoned B-4P (Planned Business District).

Mr. Terry Cox presented the case to the Board. Mr. Cox stated that the developer needs a periphery yard variance along E. Stone Drive due to the abnormally deep width of right-of-way that the parcel fronts. Mr. Cox noted that the right-of-way frontage for adjacent parcels was not as wide as the right-of-way fronting the subject parcel. Calvin Clifton asked if the proposed Kubota dealership would have an outdoor display area. Mr. Cox stated that the front of the structure is designed to be a display area with glass frontage and that equipment would be on display along the concrete pad in front of the building. Otherwise, Mr. Cox stated there were no other display areas identified. Calvin Clifton asked if there were any site distance issues. Mr. Cox stated that there were no site distance issues due to the extreme depth of right-of-way the parcel fronts.

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

Case: 20-701-00004 – Property located at 2389 Cleek Rd., Control Map 47, Parcel 024.00 requests a 38.8 front yard variance to Sec 114-181(e)1(c), a 7 foot side yard variance to Sec 114-181(e)1(d), and a 14.4 foot side yard variance to Sec 114-181(e)1(d) for the purpose of constructing a single family home. The property is zoned A-1 (Agricultural District).

Mr. John Rose presented the case to the Board. Mr. Rose stated that he is currently both applying for a rezoning of the property to a residential district and also working to have right-of-way abandoned to appropriately accommodate the new Cleek Road configuration. Mr. Rose stated that the variances are needed now so that he can start building. Mr. Rose stated that after the right-of-way is properly positioned, the property will be in conformance with R-1B yard requirements. Staff confirmed that both the rezoning and right-of-way vacating effort is being worked on and will take place in the future.

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

The Chairman opened the business portion of the meeting. Mr. White made a motion to approve the driving tour and regular meeting minutes from the March 5, 2020 meeting. Mr. Little seconded the motion. The motion passed, 4-0. Next, the Board stated for public record that the next application deadline is April 15, 2020 at noon for the meeting date of May 7, 2020. Staff further noted that the next meeting date could be postponed due to the current pandemic issues and necessary conformance with health department guidelines for gatherings of people.

Adjudication of Cases:

Case: 20-701-00003 – Property located at 3100, 3120, 3130, and 3140 E. Stone Dr., Control Map 032 and 032P, Group C, Parcels 001.00, 002.00, 003.00, and 015.20

The Board acknowledged the hardship of the deep right-of-way impacting the parcel frontage. Additionally, the Board acknowledged that this aspect of E. Stone Drive frontage was unique to the subject parcel.

MOTION: made by Mr. Little, seconded by Ms. Cleek, to grant the 25 foot periphery yard variance along E. Stone Drive side of the property as requested

VOTE: 4-0 to approve the request.

Case: 20-701-00004 – Property located at 2389 Cleek Rd., Control Map 47, Parcel 024.00

The Board acknowledged the need for the variance and that the end result would be equal to the surrounding R-1B zones.

MOTION: made by Mr. Little, seconded by Ms. Cleek, to grant the 38.8 foot front yard, 7 foot side yard, and 14.4 foot side yard variances as requested.

VOTE: 4-0 to approve the request.

With no further business the meeting was adjourned at 12:17 p.m.

Respectfully Submitted,

Ken Weems, AICP
Planning Manager