

KINGSPORT BOARD OF ZONING APPEALS AGENDA
REGULAR MEETING: April 1, 2021
Council Room, City Hall

CALL TO ORDER – 12:00 P.M. NOON

INTRODUCTION / MEETING PROCEDURES

A determination by the Board that meeting electronically and limiting the physical presence of the public at the meeting is necessary to protect public health, safety, and welfare, of all concerned in light of the Covid-19 virus.

PUBLIC HEARING:

Case: 21-701-00003 – Property located at 5036 Preston Park Drive, Control Map 047M, Group D, Parcels 005.00 and 006.00 requests an 8.2 foot front yard variance to Sec 114-182(e)1(c) for the purpose of building a new single family home on the property. The property is zoned R-1A, Residential District.

INTERESTED PARTIES:

Owner: Sharon Breeding
1805 Fleetwood Drive
Kingsport, TN 37660
423.677.3539

Representative: Sharon Breeding

BUSINESS:

Approval of the March 4, 2021 regular meeting minutes.

Stating for public record, the next application deadline is April 15, 2021 at noon, and meeting date (Thursday, May 6, 2021).

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, April 1, 2021 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: 21-701-00003 – Property located at 5036 Preston Park Drive, Control Map 047M, Group D, Parcels 005.00 and 006.00 requests an 8.2 foot front yard variance to Sec 114-182(e)1(c) for the purpose of building a new single family home on the property. 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.

FURTHER NOTICE IS HEREBY GIVEN to all citizens of the City of Kingsport, Tennessee, to all persons interested, and the public at large that pursuant to Executive Order Number 78 issued by Governor Bill Lee on February 26, 2021 the Kingsport Higher Education Commission will conduct the meeting so that members of the board may attend the meeting electronically, including, but not limited to, telephonically. The physical location of the meeting is the City Hall Building, 225 West Center Street, Kingsport Tennessee.

In light of COVID-19 and to help prevent its spread and in order to protect the health, safety, and welfare of the public there will be limited physical access permitted by the public at the physical location of the meeting. The meeting will be conducted electronically, and members of the public can attend and listen to the meeting through access of the video at www.facebook.com/KingsportAlerts. Alternatively, the audio recording of the meeting will also be available within two business days of the meeting www.facebook.com/KingsportAlerts and then clicking on “more” and then selecting “videos.” Then click on the respective meeting date.

Board members are not required to be physically present together. Board members attending the meeting by electronic means will be counted in the quorum and will be entitled to vote. All votes will be taken by roll call.

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 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: 3/23/2021



3/17/2021, 3:31:11 PM

Washington County Parcels

- Lake_Pond
- Parcel_Conflict
- Parcels

1:18,056

0 0.15 0.3 0.5 0.6 mi

0 0.25 0.5 1 km



TO: KINGSPORT BOARD OF ZONING APPEALS

FROM: Ken Weems, AICP, Planning Manager

DATE: March 22, 2021

RE: 5036 Preston Park Drive

The Board is asked to consider the following request:

Case: 21-701-00003 – Property located at 5036 Preston Park Drive, Control Map 047M, Group D, Parcels 005.00 and 006.00 requests an 8.2 foot front yard variance to Sec 114-182(e)1(c) for the purpose of building a new single family home on the property. The property is zoned R-1A, Residential District.

The Board last considered a case along Preston Park Drive during their June 4, 2020 regular meeting. The request was for 5018 Preston Park Drive and an associated 10 foot front yard variance due to the slope of the rear yard (same issue as this current case at 5036 Preston Park Drive).

R-1A Standards:

(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.

ArcGIS Web Map



3/23/2021, 10:15:32 AM

Kpt 911 Address

Washington County Parcels

Lake_Pond

Parcel_Conflict

Parcels

Railroad_ROW

River

Street_ROW

Sullivan County Parcels

Lake_Pond

Parcel_Conflict

Parcels

Railroad_ROW

River

Street_ROW

1:2,257

0 0.0175 0.035 0.07 mi

0 0.03 0.06 0.12 km

ArcGIS Web Map



3/23/2021, 10:16:32 AM

• Kpt 911 Address

Washington County Parcels

Lake_Pond

Parcel_Conflict

Parcels

Railroad_ROW

River

Street_ROW

Sullivan County Parcels

Lake_Pond

Parcel_Conflict

Parcels

Railroad_ROW

River

Street_ROW

1:2,257

0 0.0175 0.035 0.07 mi

0 0.03 0.06 0.12 km

APPLICATION

Board of Zoning Appeals



APPLICANT INFORMATION:

Last Name	Breeding	First	Samuel	M.I.	D	Date	3-7-2021	
Street Address	1805 Fleetwood Drive			Apartment/Unit #				
City	Kingsport	State	TN	ZIP		37660		
Phone	423-677-3539			E-mail Address				Sdbreeding@hotmail.com

PROPERTY INFORMATION:

Tax Map Information	Tax map:	44M	Group:	D	Parcel:	5.00 6.00	Lot:	23/22
Street Address	5036 Preston Park Drive			Apartment/Unit #				
Current Zone	Proposed Zone							
Current Use	Proposed Use							

REPRESENTATIVE INFORMATION:

Last Name	Breeding	First	Sharon	M.I.	M	Date	3-7-2021	
Street Address	1805 Fleetwood Drive			Apartment/Unit #				
City	Kingsport	State	TN	ZIP		37660		
Phone	423-863-8438			E-mail Address				Sr breeding@hotmail.com

REQUESTED ACTION:

Front yard of 8.2' Variance

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 Mar 21

Signed before me on this 12th day of March, 2021.

a notary public for the State of Tennessee

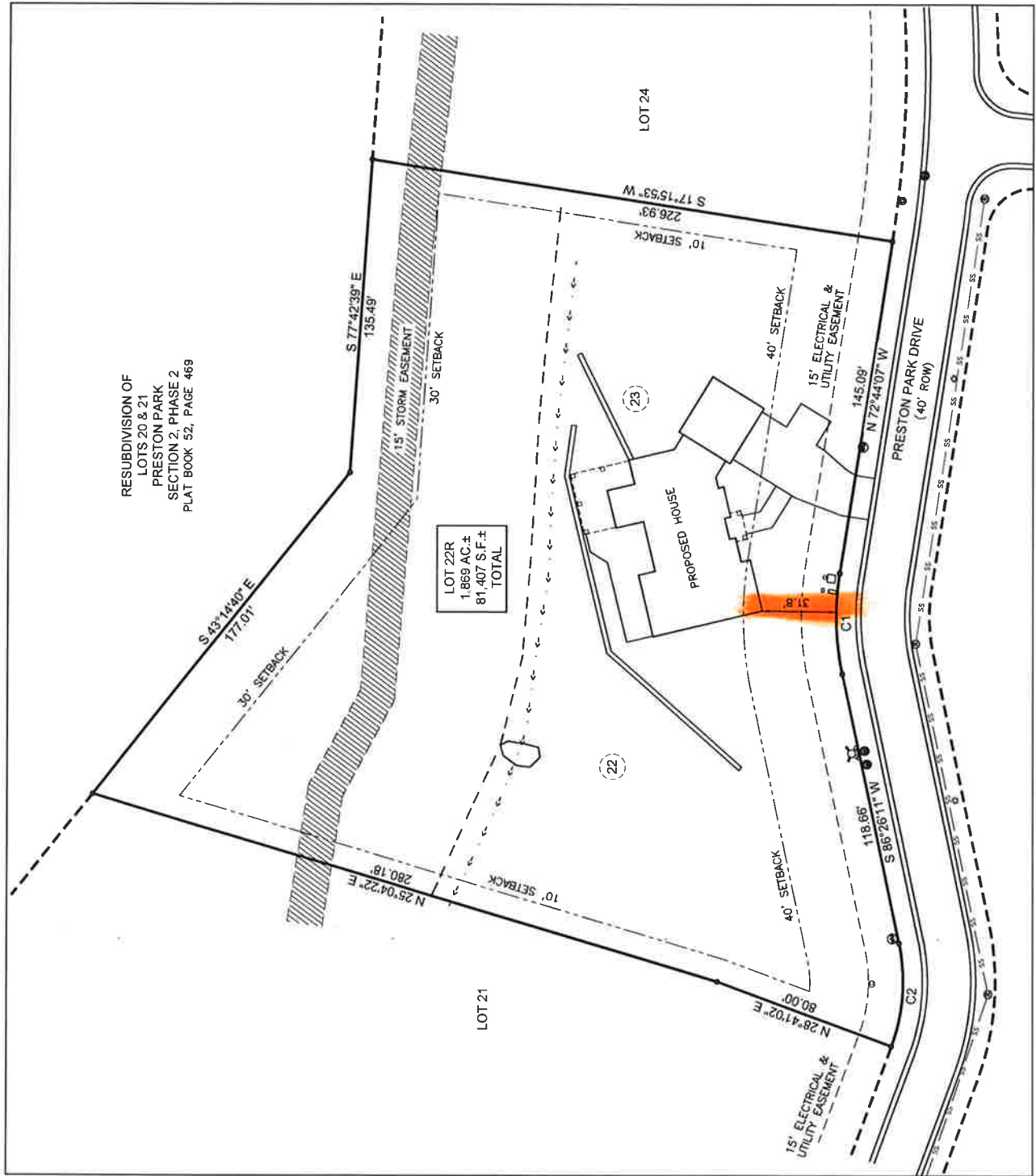
County of Sullivan

Notary Dani R. Moreland

My Commission Expires December 21, 2024



RESUBDIVISION OF
LOTS 20 & 21
PRESTON PARK
SECTION 2, PHASE 2
PLAT BOOK 52, PAGE 469



Bruding -
5032/5036 Preston Park Drive

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.

Hardship by reason of exceptional topographical conditions - large drop off at rear of property line not found on other lots in neighborhood
32' dictated need for front yard variance to site house properly

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

Difficult to fit home on property that meets requirements of square footage due to the existing topography -
Steep drop off at rear of property dictated the necessity of the variance (front yard)

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.

No conditions or circumstances are a result of this applicant's actions.
Lot condition was pre-existing purchase.

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

Other homes in this area of the neighborhood have a similar variance and does not alter public safety and welfare or alter the essential character of the neighborhood.

Further, a variance may be granted only if the Board finds that such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zoning plan and this chapter. Variances shall not be granted permitting an increase in floor area or density above the maximum permitted by the zoning district; allowing a use other than those specifically authorized by this chapter in the applicable zoning district; or from the denial of a zoning permit when such denial is due to the fact that such lot has no frontage on a public street unless such lot was a lot of record on June 16, 1981.

Hardship - There is no definition of a "hardship". Some guidelines, based on legal precedent, for applying the concept of unnecessary hardship are:

1. The premises of cannot be used in a manner permitted by the Zoning Ordinance unless the variance is granted.
2. A strict application of the terms of the Zoning Ordinance precludes its use for any purpose to which the land is reasonably adopted.
- ✓ 3. Inability to put the property to its most profitable use DOES NOT constitute a "hardship".
- ✓ 4. Mere inconvenience to the applicant is not sufficient grounds for determining a "hardship". In granting a variance the BZA may not make any decision that is contrary to the purpose and intent of the Zoning Ordinance.



MINUTES OF THE KINGSPORT BOARD OF ZONING APPEALS (BZA)

March 4, 2021, Regular Meeting

Noon
City Hall Council Room

Members Present:

Bill Sumner
Calvin Clifton
Joe White
Tracey Cleek
Jeff Little

Members Absent:

none

Staff Present:

Ken Weems, AICP
Angie Marshall

Visitors:

Laura Mitchell	Martha Pendley
Pam Robinson	Shantell Bogle
Linda Jenkins	Jennifer Salyers
Bobby Flowers	Timothy Strickland
David Howicz	Garrett Howicz

Chairman Sumner called the meeting to order.

Chairman Sumner stated: "A determination by the Board that meeting electronically and limiting the physical presence of the public at the meeting is necessary to protect public health, safety, and welfare, of all concerned in light of the COVID-19 virus." The Board affirmed this statement by roll call affirmation, 5-0.

Chairman Sumner explained the meeting procedures.

Ms. Angie Marshall conducted the swearing in ceremony for those wishing to speak during the regular meeting.

Public Hearing:

Case: 21-701-00001 – Property located at 1102 Mill Street, Control Map 046G, Group C, Parcel 030.00 requests a special exception to Sec 114-182(c)4 to conduct a women's ministry day center use on the property. The property is zoned R-1B, Residential District.

Ms. Shantell Bogle presented the case to the Board. Ms. Bogle stated that her ministry does counseling for family groups and single mothers. She stated that the Oasis does not have any room left in their current location. Ms. Bogle stated that the Mill Street property will give her space to organize and private offices for counseling services. Calvin Clifton asked if the property had been purchased. Bobby Flowers confirmed the property had already been purchased.

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

Case: 21-701-00002 – Property located at the intersection of Packing House Road and E. Stone Drive, Control Map 032, a Portion of Parcels 015.20 and 003.00 requests a periphery yard reduction of 20 feet along E. Stone Drive and 5 feet of reduction along Packing House

Road to Sec 114-230(c); a 3 space parking requirement reduction to Sec 114-564(4)c; elimination of building perimeter plantings to Sec 114-600d(3)c; reduction of a minor portion of screening off Packing House Road that screens the loading dock area to Sec 114-230(k); a reduction of parking lot internal tree areas of 1,654 square feet to Sec 114-600(3)a; elimination of the pedestrian way requirement and associated landscaping to Sec 114-230(h); and elimination of the outdoor display area landscape islands to Sec 114-230(j). The property is zoned B-4P, Planned Business District.

Mr. David Howicz explained the need for the requested variances. Mr. Howicz stated that the property is situated further from E. Stone Drive than all adjacent parcels. Mr. Howicz stated that Tractor Supply is trying a new type of store in Kingsport in that this store will have a drive thru loading area for bulk purchases. Mr. Howicz further stated that the parking lot with landscaping islands would make it difficult for trucks pulling trailers to negotiate. Ms. Jennifer Salyers stated that the required amount of landscaping is present, but the variances will allow the landscaping to be out of the way for both trailers and equipment displays.

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

Chairman Sumner opened the business portion of the meeting. The Chairman opened nominations from the floor for both Chairman and Vice Chairman. Jeff Little nominated Chairman Sumner for Chairman and Vice Chairman Clifton for Vice Chairman. Mr. Little made the nominations in the form of a motion. The motion was seconded by Joe White. The motion passed unanimously by roll call vote, 3-0-2, with both Chairman Sumner and Vice Chairman Clifton abstaining.

Chairman Sumner made a motion to approve the regular meeting minutes from the January 7, 2021 meeting. Joe White seconded the motion. The motion passed by roll call vote, 5-0. Next, the Board stated for public record that the next application deadline is March 15, 2021 at noon for the meeting date of April 1, 2021.

Adjudication of Cases:

Case: 21-701-00001 – Property located at 1102 Mill Street, Control Map 046G, Group C, Parcel 030.00

The Board recognized the Tennessee Preservation of Religious Freedom statute while considering this case.

MOTION: made by Calvin Clifton, seconded by Joe White, to grant the special exception to conduct a women's ministry day center on the property.

VOTE: 5-0 by roll call vote to approve the request.

Case: 21-701-00002 – Property located at the intersection of Packing House Road and E. Stone Drive, Control Map 032, a Portion of Parcels 015.20 and 003.00

The Board recognized the extreme right-of-way width of the subject parcel compared to all surrounding parcels.

MOTION: made by Mr. Little, seconded by Mr. White, to grant the periphery yard reduction of 20 feet along E. Stone Drive and 5 feet of reduction along Packing House Road to Sec 114-230(c);

a 3 space parking requirement reduction to Sec 114-564(4)c; elimination of building perimeter plantings to Sec 114-600d(3)c; reduction of a minor portion of screening off Packing House Road that screens the loading dock area to Sec 114-230(k); a reduction of parking lot internal tree areas of 1,654 square feet to Sec 114-600(3)a; elimination of the pedestrian way requirement and associated landscaping to Sec 114-230(h); and elimination of the outdoor display area landscape islands to Sec 114-230(j) as requested

VOTE: 5-0 by roll call vote to approve the request.

With no further business the meeting was adjourned at 12:57 p.m.

Respectfully Submitted,

Ken Weems, AICP
Planning Manager