

KINGSPORT BOARD OF ZONING APPEALS AGENDA
REGULAR MEETING: February 3, 2022
Conference Room 226, City Hall
415 Broad Street, 2nd Floor

CALL TO ORDER – 12:00 P.M. NOON

INTRODUCTION / MEETING PROCEDURES

PUBLIC HEARING:

Case: 21-0323 – Property located at 656 Lovedale Drive, Control Map 046H, Group G, Parcels 027.00, 028.00, and 029.00 requests a 35 foot height variance to Sec 114-193(e)2(b) for the purpose of rebuilding the existing power substation. The property is zoned B-1, Neighborhood Business District and R-1B, Residential District.

INTERESTED PARTIES:

Owner: AEP/ Scott Kennedy
40 Franklin Road SW
Roanoke, VA 24011
540-491-3541

Representative: Brandon Scott

BUSINESS:

Approval of the January 6, 2022 regular meeting minutes.

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, February 3, 2022 will be conducted beginning at NOON in Kingsport City Hall Conference Room 226, 415 Broad Street, 2nd floor, Kingsport, Tennessee.

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

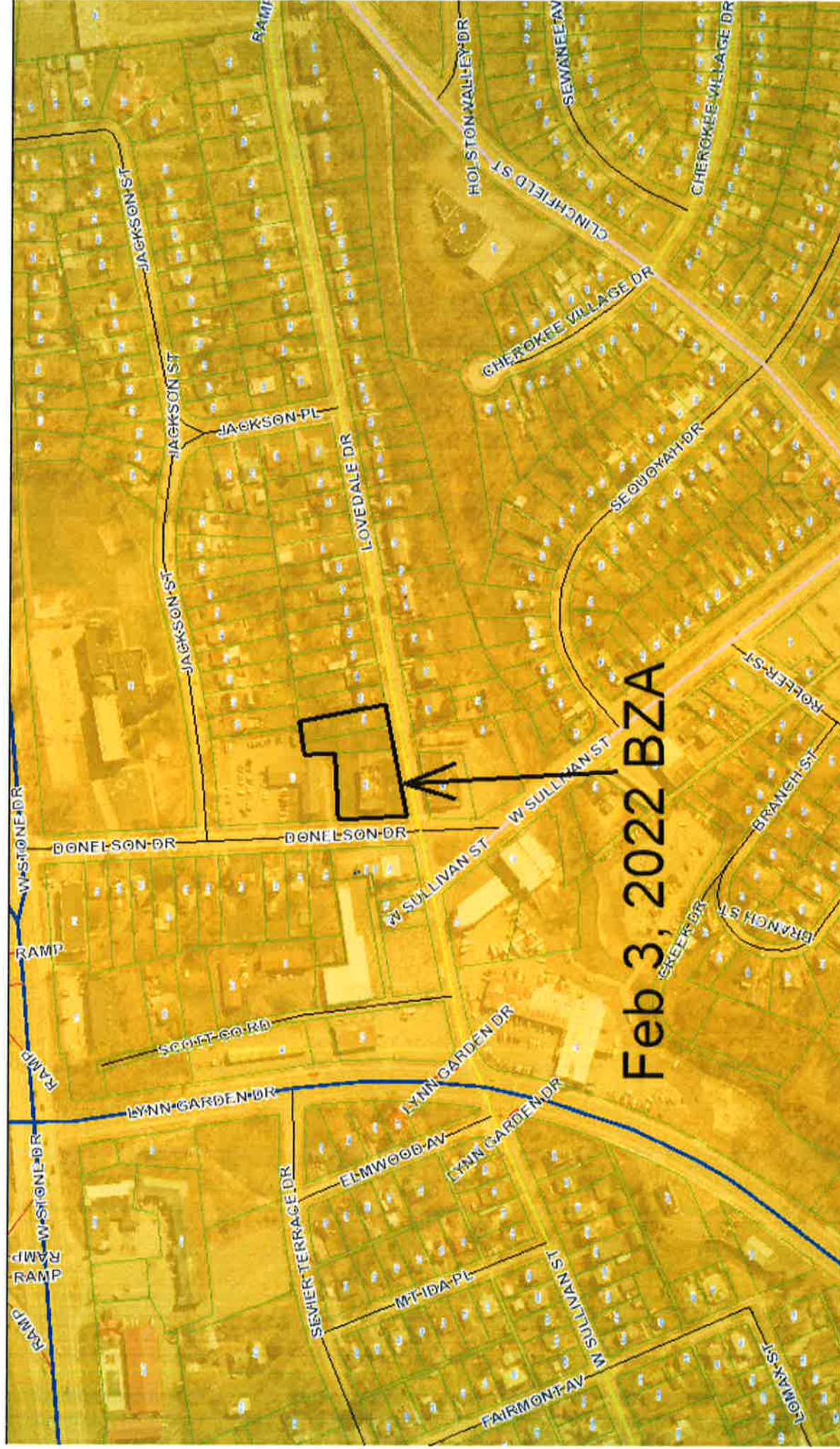
Case: 21-0323 – Property located at 656 Lovedale Drive, Control Map 046H, Group G, Parcels 027.00, 028.00, and 029.00 requests a 35 foot height variance to Sec 114-193(e)2(b) for the purpose of rebuilding the existing power substation. The property is zoned B-1, Neighborhood Business District and R-1B, 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) 229-9368.

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) 229-9368 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: 1/24/2022

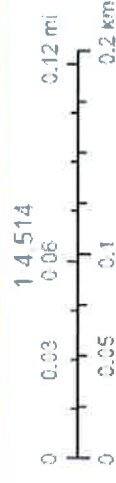
ArcGIS Web Map



Feb 3, 2022, BZA

1:21:2022 10:00:10AM

- | | | | | | |
|---|---------------------------------------|--|---------------------------------------|--|---------------------------------------|
| <input type="checkbox"/> Hawkins County Parcels | <input type="checkbox"/> Railroad ROW | <input type="checkbox"/> Sullivan County Parcels | <input type="checkbox"/> Railroad ROW | <input type="checkbox"/> Washington County Parcels | <input type="checkbox"/> Railroad ROW |
| <input type="checkbox"/> Lake_Pond | <input type="checkbox"/> River | <input type="checkbox"/> Lake_Pond | <input type="checkbox"/> River | <input type="checkbox"/> Lake_Pond | <input type="checkbox"/> River |
| <input type="checkbox"/> Parcel_Conflict | <input type="checkbox"/> Street_ROW | <input type="checkbox"/> Parcel_Conflict | <input type="checkbox"/> Street_ROW | <input type="checkbox"/> Parcel_Conflict | <input type="checkbox"/> Street_ROW |
| <input checked="" type="checkbox"/> Parcels | | <input checked="" type="checkbox"/> Parcels | | <input type="checkbox"/> Parcels | • Kat 9... Address |





TO: KINGSPORT BOARD OF ZONING APPEALS

FROM: Ken Weems, AICP, Planning Manager

DATE: January 21, 2022

RE: 656 Lovedale Drive

The Board is asked to consider the following request:

Case: 21-0323 – Property located at 656 Lovedale Drive, Control Map 046H, Group G, Parcel 029.00 requests a 35 foot height variance to Sec 114-193(e)2(b) for the purpose of rebuilding the existing power substation. The property is zoned B-1, Neighborhood Business District and R-1B, Residential District.

Code reference:

(e)Dimensional requirements. The minimum and maximum dimensional requirements for the B-1 district are as follows:

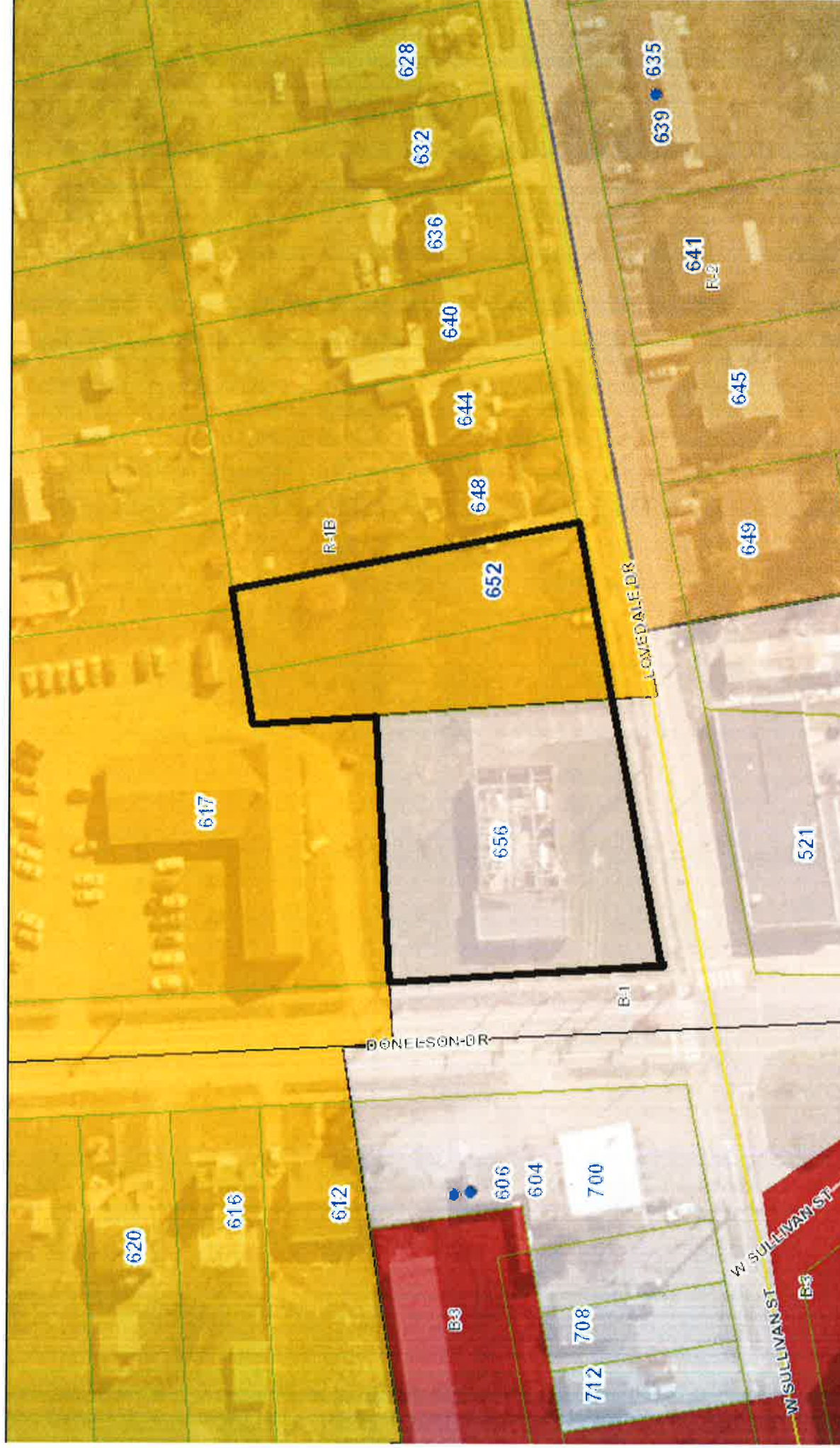
(1)Minimum requirements.

- a.Lot area, not applicable.
- b.Lot frontage, not applicable.
- c.Front yard, 30 feet.
- d.Each side yard, not applicable.
- e.Rear yard, 20 feet.
- f.Usable open space, not applicable.

(2)Maximum permitted.

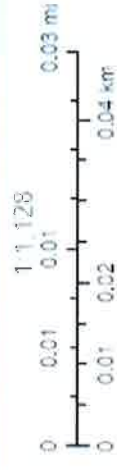
- a.Lot coverage, not applicable.
- b.Building height, 25 feet.**

ArcGIS Web Map



1/21/2022 10:16:54 AM

☐ Hawkins County Parcels ☐ Railroad ROW ☐ Sullivan County Parcels ☐ Railroad ROW ☐ Washington County Parcels ☐ Railroad ROW
☐ Lake_Pond ☐ River ☐ Lake_Pond ☐ River ☐ Lake_Pond ☐ River
☐ Parcel_Conflict ☐ Street_ROW ☐ Parcel_Conflict ☐ Street_ROW ☐ Parcel_Conflict ☐ Street_ROW
☐ Parcels ☐ Parcels ☐ Parcels ☐ Parcels ☐ Parcels ☐ Parcels



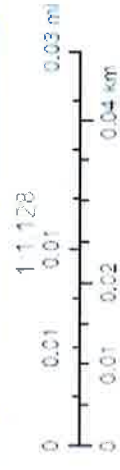
ArcGIS Web Map



1/21/2022 10:24:05 AM

	Lake_Pond		Railroad_ROW		Sullivan County Parcels		River		Washington County Parcels		Railroad_ROW		River
	Parcel_Conflict		Parcel_Conflict		Parcel_Conflict		Parcel_Conflict		Parcel_Conflict		Parcel_Conflict		Parcel_Conflict
	Parcels		Street_ROW		Parcels		Street_ROW		Parcels		Street_ROW		Street_ROW

Katrina Address



January 3, 2022

Dear Planning and Zoning Department,

Kingsport Power Company ("Kingsport Power"), a subsidiary of American Electric Power, is proposing a rebuild/expansion of the existing Lovedale Substation located at the corner of Lovedale Drive and Donelson Drive. The Lovedale Substation rebuild/expansion is part of AEP's continued efforts to upgrade, modernize, and improve reliability in the City of Kingsport area. This substation, dated 1946, is experiencing equipment failures and limitations and cannot be rebuilt "as is" due to today's current electrical clearance and engineering requirements. Based on our understanding of the City of Kingsport Zoning Ordinance and discussions with the City's Staff the rebuild/expansion will require a Variance as follows:

- **Variance:** Pursuant to the City of Kingsport Zoning Ordinance (Section 25-583), the property cannot be used in a manner permitted by the Zoning Ordinance unless a height variance is granted to meet today's NESC clearance requirements.

In support of this request, provided are the following: (i) variance application, (ii) project summary, (iii) variance worksheet, (iv), and exhibits (including a concept plan).

Sincerely,



APPLICATION
Board of Zoning Appeals

APPLICANT INFORMATION:

Last Name Kennedy First: Scott M.I. Date
Street Address: 40 Franklin Road SW Apartment/Unit #
City: Roanoke State: VA ZIP: 24011
Phone 540-491-3541 E-mail Address: skennedy@aep.com

PROPERTY INFORMATION:

Tax Map Information Tax map: 46A Group: G Parcel: 27 29 Lot:
Street Address Truxton Dr Apartment/Unit #
Current Zone N/A Proposed Zone: N/A
Current Use: Utility Proposed Use: Utility

REPRESENTATIVE INFORMATION:

Last Name Scott First Brandon M.I. Date
Street Address: 235 Claiborne Avenue Apartment/Unit #
City Rocky Mount State VA ZIP 24151
Phone 540-483-5975 E-mail Address: bscott@earthenv.com

REQUESTED ACTION:

35-foot height variance to Sec 114-193(e)2(b).

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:

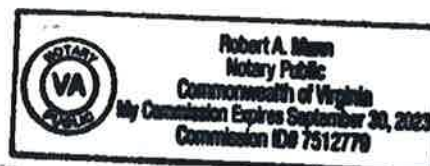
[Handwritten signatures]

AEP Energy Delivery PM Date: 11/7/22

Signed before me on this 7th day of January, 2022.

a notary public for the State of Virginia
City of Roanoke

Notary: Robert A. Mann



Notary



My Commission Expires _____

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:

PROJECT SUMMARY

Reason for the Requested Variance:

To maintain reliable electrical service, Kingsport Power Company (KPCO) proposes to rebuild its aging Lovedale Substation located at the corner of Lovedale Drive and Donelson Drive (see proposed plan concept, Exhibit 1). In order to rebuild to today's current electrical clearance and engineering requirements, the KPCO is seeking a height variance from 25' to 60' (see proposed profiles and equipment, Exhibit 2). The substation, built in 1946, transforms bulk electricity to distribution circuits serving large portions of downtown Kingsport including the hospital and surgery center and is experiencing equipment failures and limitations. For example, in 2015 failed equipment resulted in fire damage to the Lovedale Substation. The project is part of AEP's continued efforts to upgrade, modernize, and improve reliability in the City of Kingsport area. The other projects include Riverport (completed in 2020) and planned work at Cumberland, Eden's Ridge, Holston, and West Kingsport in 2022 and 2023 (see City of Kingsport electrical system overview map, Exhibit 3).

The request is a hardship and no reasonable alternatives are available. The substation cannot be rebuilt "as is" due to today's current electrical clearance and engineering requirements. The new equipment is designed to handle more load and requires increased clearances to operate properly and safely. The proposed Lovedale Substation Rebuild/Expansion footprint dimensions are driven by the required equipment configuration and electrical clearances requirements between the various supporting structures, bus/conductors and equipment as dictated by the National Electrical Safety Code (NESC), the Company's internal standards, and manufacture specifications (See proposed plan, Exhibit 1). Additionally, the substation cannot be relocated. It is strategically located in the area's load center and cannot be moved without decreasing reliability and creating significant environmental impacts from relocating the numerous existing distribution and transmission circuits.

Based on our understanding of the City of Kingsport's Zoning Ordinance, a variance is required for structure heights over 25'. To meet today's requirements, the proposed substation box bay structure height is approximately 40'-50' with an additional 10' lightning spike (Total Height Approximately 60'). Therefore, KPCO requests a variance from the B-1 (zoning district) maximum height restriction. The Company has coordinated with the City planners and agrees to build a 10' brick faux wall to help screen the substation (see Visual Simulations, Exhibit 4).

Current and Proposed Property Use:

Lovedale Substation is currently located at the corner of Lovedale and Donelson Drive in the City, B-1 zoned district. The substation and distribution and transmission lines (poles and structures – "Utilities") are permitted by right in the City of Kingsport including in the B-1 district. Based on our discussions with the City of Kingsport no underground, density or fencing requirements are applicable. However, aesthetics and preserving neighborhood character are important to the Company and the City strongly recommends considering a brick wall to fence/screen the substation due to the adjacent residential land use, adjacent church, highly visible intersection, and nearby school. Therefore, the Company has agreed to build a 10' faux brick wall and buffer the residential side with vegetation or other as possible. See the attached layout plan and visual simulations.

Project Cost: This \$10-15M substation rebuild is one part of ongoing improvements in the Kingpost area.

Project Timeline: Construction on Lovedale would begin in the Fall of 2022 and finish about a year later.

AEP has reviewed the following Variance Worksheet and provided written documentation to support our request.

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.

Lovedale Substation has been in operation as a substation on the property since 1946. KPCO has maintain the substation over the years however our ability to find replacement parts for the aging infrastructure, historical outages, and an electrical needs assessment have led to the proposed rebuild/expansion. The rebuild will include substation as well as transmission and distribution infrastructure.

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

Lovedale Substation has been in operation as a substation on the property since 1946, prior to the June 16, 1981, lot of record requirement.

The proposed rebuild/expansion of the Lovedale Substation is part of the long-term improvements intended to improve the transmission and distribution system in the Kingsport area and increase reliability to our medical, residential, commercial, and industrial customers. Based on our review of the ordinance the property cannot be used in a manner permitted by the Zoning Ordinance unless a height variance is granted to meet today's NESC clearance requirements.

c. The unique conditions and circumstances are not the result of actions of the applicant taken after the adoption or amendment of this chapter.

The proposed Lovedale substation rebuild/expansion footprint dimensions are essentially driven by the required equipment configuration along with electrical clearances between the various supporting structures, bus/conductors and equipment as dictated by the National Electrical Safety Code (NESC). Based on our understanding of the City of Kingsport's Zoning Ordinance a variance is required for structure heights over 25'. To meet the current NESC the proposed substation box bay structure height is approximately 40'-60' with an additional 10' lightning spike (Total Height Approximately 60'). Therefore, KPCO requests a variance from the maximum height restriction for substation infrastructure.

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

KPCO placed the original Lovedale Substation in service utilizing a brick façade around the substation to blend into the surrounding neighborhood (see attached visual simulations). The proposed expansion will utilize a brick veneered wall to retain the aesthetic character of the existing substation and surrounding neighborhood. Additionally, vegetation and buffering will be added where practical.

The variance will allow the Company to maintain continued reliable electricity to the general including critical circuits to the hospital and surgery center. The substation box bay structures are constructed with steel monopoles and is not a building structure. They will be comparable in height and size to the existing distribution and transmission poles at the corner of Donelson Drive and Lovedale Drive, helping absorb its visual presence and thus preventing new contrasting visual impacts on the community. Again, see the attached visual simulations.

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.

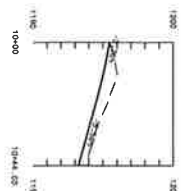
Hardship - There is no definition of a "hardship". Some guidelines, based on legal precedent, for applying the concept of unnecessary hardship are:

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.

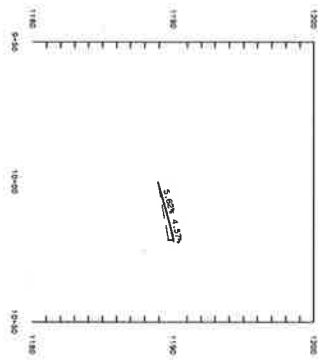
Exhibit 1
Concept A

20' 0"

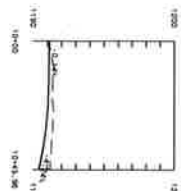
NORTHWEST ENTRANCE



SOUTHEAST ENTRANCE



SOUTHWEST ENTRANCE



CONCEPT A SITE NOTES:

1. STATION ELEVATION: 1180.00 (G.M.E.L. P.O. 1180.00 SO. FT.)
2. STATION ELEVATION: 1180.00 (G.M.E.L. P.O. 1180.00 SO. FT.)
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12. STATION ELEVATION: 1180.00 (G.M.E.L. P.O. 1180.00 SO. FT.)

CONCEPT A

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Exhibit 2
Profile and Equipment

FIGURE 9
Substation Section and
Existing, Comparable Substation
(Structure Heights)

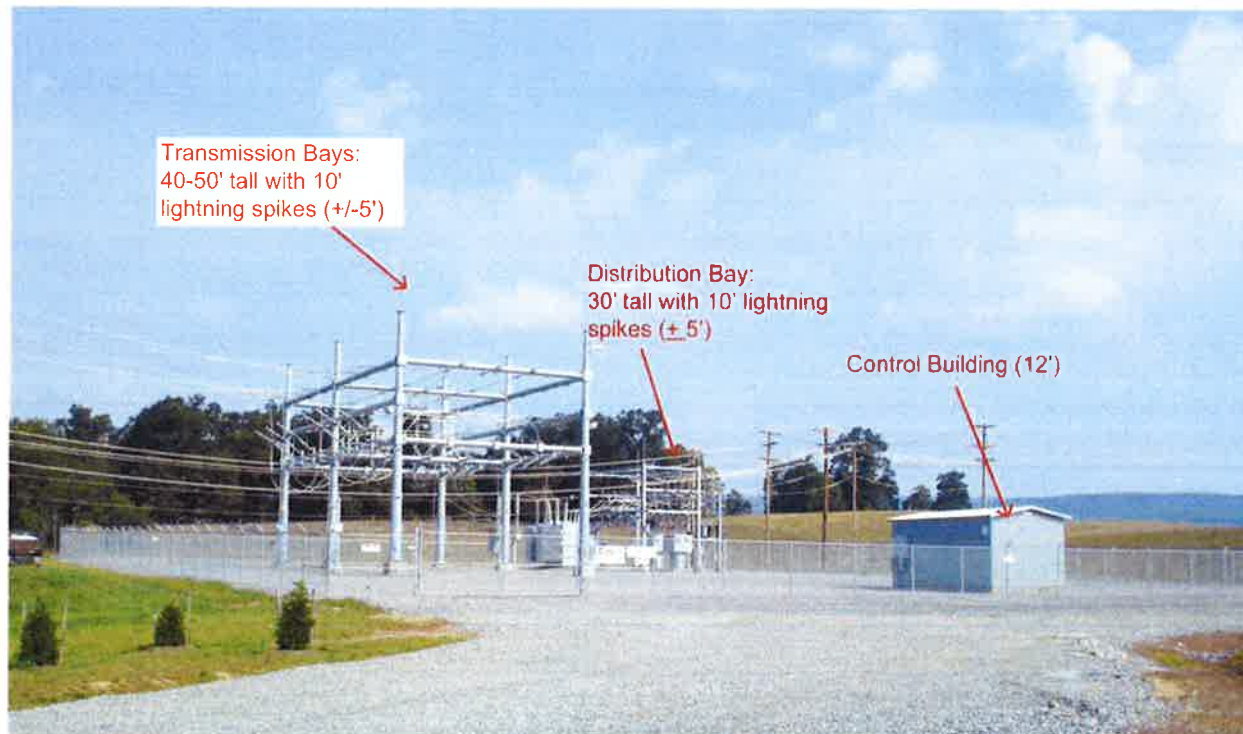
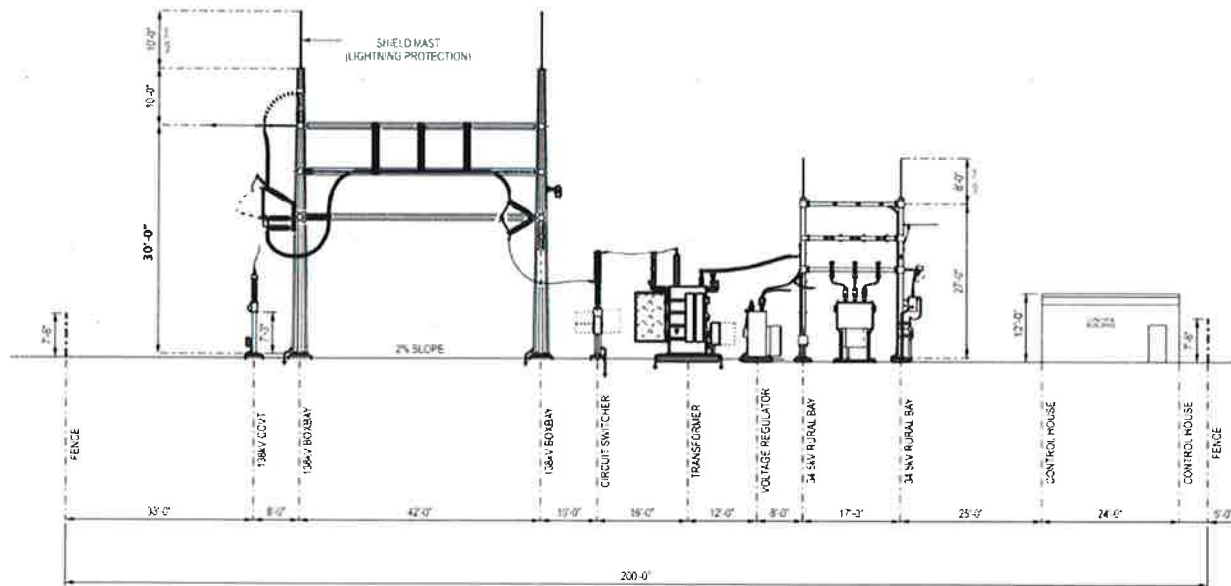
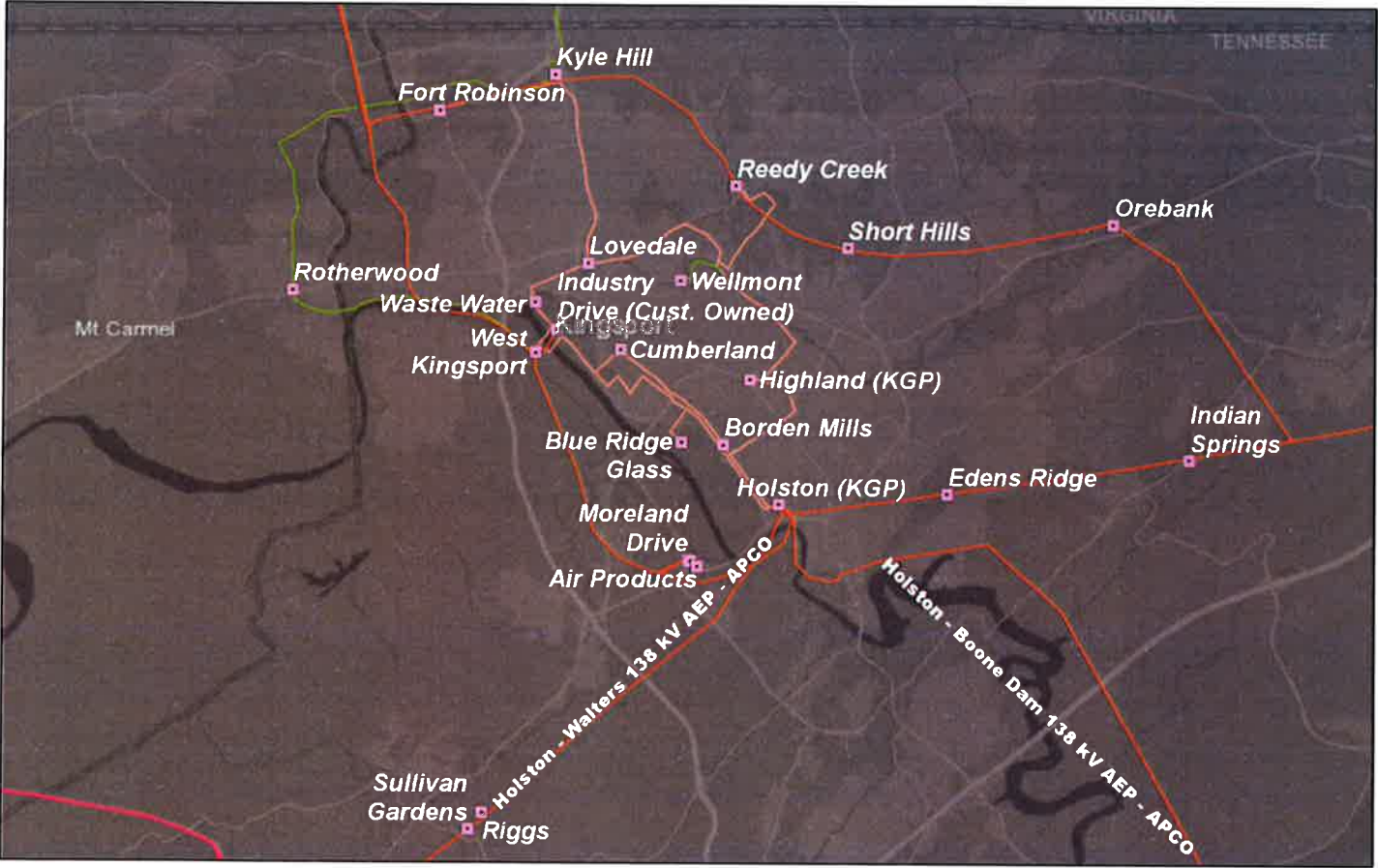


Exhibit 3

Kingsport Electrical System Overview Map

TGIS Map



12/1/2021, 1:53:10 PM

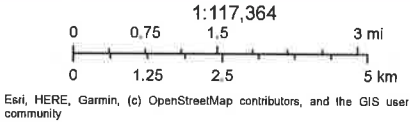


Exhibit 4
Brick Wall Visualizations

LOVEDALE

SUBSTATION REBUILD PROJECT

PHOTO VIEWPOINT MAP

- EXISTING ABOVE GROUND TRANSMISSION LINE
- - - EXISTING UNDERGROUND TRANSMISSION LINE
- PROPOSED TRANSMISSION LINE REBUILD
- ▲ EXISTING SUBSTATION
- PROPOSED SUBSTATION GRAVEL YARD
- ① PHOTO VIEWPOINT



LOVEDALE

SUBSTATION REBUILD PROJECT

PHOTO VIEWPOINT 1

DATE: 05/20/2021

TIME: 12:59 PM

DIRECTION: SOUTHEAST



- EXISTING ABOVE GROUND TRANSMISSION LINE
- - - EXISTING UNDERGROUND TRANSMISSION LINE
- PROPOSED TRANSMISSION LINE REBUILD
- ▲ EXISTING SUBSTATION
- PROPOSED SUBSTATION GRAVEL YARD
- Ⓢ PHOTO VIEWPOINT



PHOTO SIMULATIONS FOR ILLUSTRATION PURPOSES ONLY. NOT TO BE USED FOR CONSTRUCTION.

LOVEDALE

SUBSTATION REBUILD PROJECT

PHOTO VIEWPOINT 2

DATE: 05/20/2021

TIME: 12:07 PM

DIRECTION: NORTHWEST



— EXISTING ABOVE GROUND
TRANSMISSION LINE

--- EXISTING UNDERGROUND
TRANSMISSION LINE

— PROPOSED TRANSMISSION LINE REBUILD

▲ EXISTING SUBSTATION

■ PROPOSED SUBSTATION GRAVEL YARD

📍 PHOTO VIEWPOINT



APPALACHIAN
POWER
In AEP's hands
SOUNDLESS ENERGY



EXISTING CONDITIONS



PROPOSED CONDITIONS

PHOTO SIMULATIONS FOR VISUALIZATION AND DISCUSSION PURPOSES ONLY

LOVEDALE

SUBSTATION REBUILD PROJECT

PHOTO VIEWPOINT 3

DATE: 05/20/2021

TIME: 12:13 PM

DIRECTION: EAST



PROPOSED TRANSMISSION
LINE REBUILD

PROPOSED SUBSTATION GRAVEL YARD

PHOTO VIEWPOINT



BOUNDLESS ENERGY



EXISTING CONDITIONS



PROPOSED CONDITIONS

PHOTO SHOWN FOR VISUALIZATION AND DISCUSSION PURPOSES ONLY

MINUTES OF THE KINGSPORT BOARD OF ZONING APPEALS (BZA)

January 6, 2022, Regular Meeting

Noon
City Hall Council Room

Members Present:

Bill Sumner
Jeff Little
Joe White
Tracey Cleek
Calvin Clifton

Members Absent:

none

Staff Present:

Ken Weems, AICP
Angela Marshall

Visitors:

Mike Stone
Brianna Patterson

Chairman Sumner called the meeting to order.

Chairman Sumner explained the meeting procedures.

Ms. Angela Marshall conducted the swearing in ceremony for those wishing to speak during the regular meeting. Mr. Mike Stone was sworn in.

Public Hearing:

Case: 21-0335 – Property located at 317 High Ridge Road, Control Map 045J, Group D, Parcel 031.00 requests a 5 foot side yard setback variance to Sec 114-201(e)1(d) for the purpose of constructing a home addition. The property is zoned GC, Golf Course Community District.

Mr. Mike Stone presented the case to the Board. Mr. Stone stated that the home addition was in need of the requested variance due to the lack of space in the rear yard combined with the extreme slope to the rear yard. The Board recognized the steepness of the rear yard.

Chairman Sumner, seeing no one wishing to speak further on the item, closed the public hearing.

Chairman Sumner opened the business portion of the meeting. Chairman Sumner accepted nominations from the floor for 2022 officer elections. A motion was made by Jeff Little, seconded by Tracey Cleek to elect Bill Sumner as Chairman and Calvin Clifton as Vice Chairman. The motion was approved by a 3-0-2 vote with both Bill Sumner and Calvin Clifton abstaining from the vote. A motion was made by Jeff Little, seconded by Joe White, to approve the minutes of the November 4, 2021 regular meeting. The motion was approved unanimously, 5-0. Mr. Weems stated for the record that the next application deadline is January 17, 2022 for the meeting date of February 3, 2022.

Adjudication of Cases:

Case: 21-0335 – Property located at 317 High Ridge Road, Control Map 045J, Group D, Parcel 031.00

The Board recognized the hardship of the steep sloped rear yard.

MOTION: made by Calvin Clifton, seconded by Jeff Little, to grant the 5 foot side yard setback variance to Sec 114-201(e)1(d) for the purpose of constructing a home addition as requested.

VOTE: 5-0 to approve the request.

With no further business the meeting was adjourned at 12:15 p.m.

Respectfully Submitted,

Ken Weems, AICP
Planning Manager