

Board of Zoning Appeals Criteria and Application Requirements

The BZA utilizes the following Criteria in their decisions:

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.
- 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.
- d. Reasons that the variance will preserve not harm the public safety and welfare and will not 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.

Application Requirements of Petitioner for a Variance:

1. Completed Application form.
2. List any "hardship" that pertains to the property in question.

3. Provide staff with a survey of the property containing the existing buildings with dimensions in relation to all property lines.

4. Provide staff with a drawing/plan of the proposed building with dimensions and a list of materials used for building. Pictures of examples are encouraged.

**** 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.**