

Board of Zoning Appeals Criteria and Application Requirements

The BZA utilizes the following Criteria in their decisions:

Variances

The Board may hear and decide applications for a variance from the requirements of this chapter in limited circumstances.

A variance may be considered when a property has unique conditions, such as:

- Exceptional narrowness, shallowness, or unusual shape, and was a lot of record on June 16, 1981; or
- Exceptional topographic conditions; or
- Other extraordinary or unusual conditions affecting the property.

These conditions must be such that strict application of this chapter would create unusual practical difficulties or an undue hardship for the property owner.

Any variance granted must:

- Not cause substantial harm to the public good; and
- Not substantially interfere with the intent and purpose of this chapter.

When granting a variance, the Board may impose reasonable conditions related to the location, character, or other features of the proposed building, structure, or use, as needed to support the purpose of this chapter.

Before approving a variance, the Board must make and record all required findings. These findings, along with any conditions or restrictions, must be documented in the official meeting minutes and records. A written decision must also be provided to the applicant as proof of the variance.

Required Findings for a Variance

- a. The applicant must describe, in detail, the specific conditions that are unique to their property. These conditions must not be common to other properties in the same zoning district or nearby area.
- b. The applicant must explain how strict application of this chapter would prevent a reasonable use of the property.
- c. The applicant must show that the unique conditions and circumstances were not created by their own actions after this chapter was adopted or amended.
- d. The applicant must explain how the requested variance will not harm public health, safety, or welfare, and will not change the essential character of the neighborhood.

Additional Requirements and Limitations for Variances

A variance may be granted only if the Board finds that the relief:

- Will not cause substantial harm to the public good; and
- Will not significantly interfere with the intent and purpose of the zoning plan or this chapter.

A variance cannot be granted to:

- Increase the allowed floor area or density beyond what is permitted in the zoning district;
- Allow a land use that is not specifically permitted in the applicable zoning district; or
- Override the denial of a zoning permit when the denial is based on the property-lacking frontage on a public street, unless the lot was a lot of record on June 16, 1981.

Variance Application Requirements

To apply for a variance, the petitioner must provide the following:

- A completed application form.
- A description of any hardship related to the property.
- A property survey that shows:
 - Existing buildings; and
 - Building dimensions in relation to all property lines.
- A drawing or plan of the proposed building that includes:
 - Dimensions; and
 - A list of building materials.
 - Photos or examples are encouraged but not required.

Submission Requirements and Deadlines

All required materials must be submitted with the completed application form. Incomplete applications will not be accepted or scheduled for review.

Application packets must include:

- A \$100.00 processing fee; and
- A \$7.00 technology fee.

All materials and fees must be submitted to the Kingsport Planning Office no later than 12:00 PM (noon) on the 15th day of the month prior to the meeting month in which the Board of Zoning Appeals will hear the application.

Important Note:

Once the application fee has been paid, the City of Kingsport will not issue any additional invoices or payment requests related to that application.

Variance Worksheet – Finding of Facts

Please answer the questions below and submit with your application:

1. What specific conditions make your property unique?

Please describe these conditions in detail. Explain how they are different from other properties in the same zoning district and nearby area.

2. How does strict application of this chapter limit your ability to reasonably use your property?

Explain what you are unable to do under the current requirements.

3. Did you create these unique conditions?

Explain whether the conditions existed before you owned the property or before the chapter was adopted or amended.

4. How will your requested variance protect public health, safety, and welfare?

Explain why the variance will not change the overall character of the neighborhood.