

KINGSPORT BOARD OF ZONING APPEALS AGENDA
REGULAR MEETING: August 3, 2017
Development Services Building – Bob Clear Conference Room

CALL TO ORDER – 12:00 P.M. NOON

INTRODUCTION / MEETING PROCEDURES

PUBLIC HEARING:

Case: 17-701-00010 – Property located at 513 Rogan Street, Control Map 45F, Group C, Parcel 033.00 requests a 4.5 foot side yard variance in order to construct a home addition to Sec 114-183(e)1(d). The property is zoned R-1B, Residential District.

INTERESTED PARTIES:

Owner: David Kiser
513 Rogan Street
Kingsport, TN 37660
(423) 579-2606

Representative: David Kiser

Case: 17-701-00011 – Property located at 2101 Fort Henry Drive, Control Map 61E, Group H, Parcel 012.00 requests a 77.66 square foot wall sign variance to Sec 114-533(9)c. The property is zoned B-4P, Planned Shopping Center District.

INTERESTED PARTIES:

Owner: Kingsport Mall, LLC
1190 Interstate Parkway
Augusta, GA 30909
(706) 434-1775

Representative: Wayne Gentry

Case: 17-701-00012 – Property located at 3830 Bonita Drive, Control Map 62G, Group F, Parcel 022.00 requests a special exception in order to construct a church fellowship hall to Sec 114-187(c). The property is zoned R-4, Medium Density Apartment District.

INTERESTED PARTIES:

Owner: Hillcrest Bible Mission Incorporated
286 AA Deakins Rd
Jonesborough, TN 37659
(423) 737-6310

Representative: David Castle

BUSINESS:

Approval of the June 8, 2017 driving tour and regular meeting minutes.

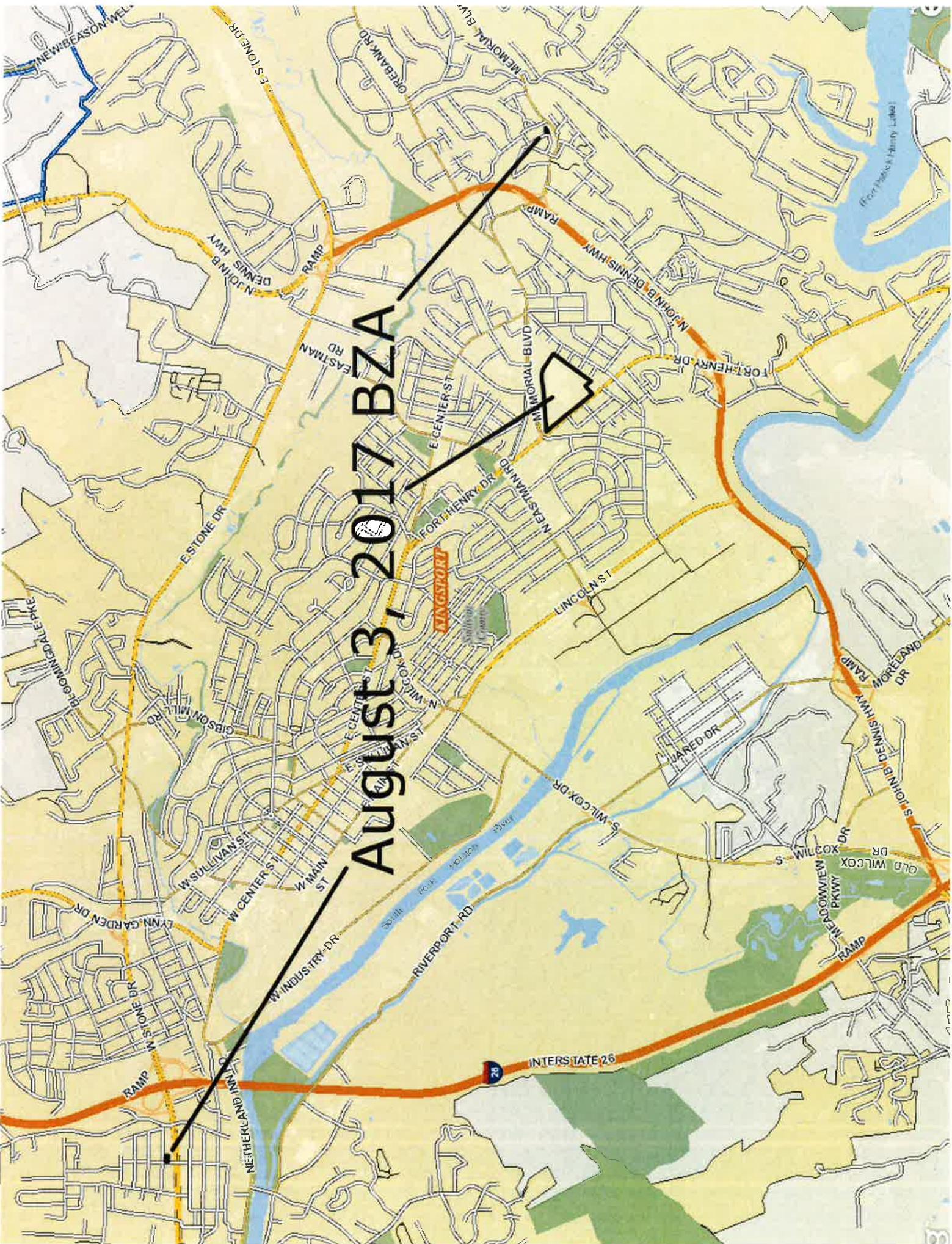
Stating for public record, the next application deadline is August 15, 2017 at noon, and meeting date (Thursday, September 7, 2017).

Staff Reports: none

ADJUDICATION OF CASES:

ADJOURNMENT:

August 3, 2017 BZA



KINGSPORT

INTERSTATE 26

26

MEMORANDUM

TO: KINGSPORT BOARD OF ZONING APPEALS

FROM: Ken Weems, AICP, Zoning Administrator

DATE: July 13, 2017

RE: 513 Rogan Street

The Board is asked to consider the following request:

Case: 17-701-00010 – Property located at 513 Rogan Street, Control Map 45F, Group C, Parcel 033.00 requests a 4.5 foot side yard variance in order to construct a home addition to Sec 114-183(e)1(d). The property is zoned R-1B, Residential District.

The Building Department discovered this existing (recent) home addition after a complaint was received from a neighbor. The applicant has built a home addition over an existing deck. The survey was created and the variance was requested after construction. Granting the requested variance will allow the addition to remain. Denying the variance will require the addition to be removed, at least to the extent that the required 8 foot side yard is preserved.



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, August 3, 2017 will be conducted beginning at NOON in the Bob Clear Conference Room, on the first floor of the Development Services Building, 201 West Market Street, Kingsport, Tennessee.

A tour of the property will be conducted starting at 10:30a.m. prior to the meeting.

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

Case: 17-701-00010 – Property located at 513 Rogan Street, Control Map 45F, Group C, Parcel 033.00 requests a 4.5 foot side yard variance in order to construct a home addition to Sec 114-183(e)1(d). The property is zoned 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) 229-9485.

City of Kingsport, Tennessee
Jim Deming, City Recorder
P1T: 7/24/17

APPLICATION

Board of Zoning Appeals



APPLICANT INFORMATION:

Last Name KISER First DAVID M.I. J Date July 7, 2017
 Street Address 513 Rogan street Apartment/Unit #
 City Kingsport State TN ZIP 37660
 Phone 423-579-2006 E-mail Address

PROPERTY INFORMATION:

Tax Map Information Tax map: 45F Group: C Parcel: 33 Lot:
 Street Address Same 45F Apartment/Unit #
 Current Zone R-1B Proposed Zone No change
 Current Use Single Family Proposed Use No change

REPRESENTATIVE INFORMATION:

Last Name SAME AS APP. First M.I. Date
 Street Address Apartment/Unit #
 City State ZIP
 Phone E-mail Address

REQUESTED ACTION:

4.5 Ft side yard variance for home addition

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:

David Kiser

Date:

July 7, 2017

Signed before me on this 7th day of July, 2017

a notary public for the State of Tennessee

County of Sullivan

Notary Alison Harrison

My Commission Expires 6-19-18



Att Ken Weems

Variance Worksheet – Finding of Facts

Variations. 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.

I was trying to get this built before my wife passed away SHE was in the hospital 30 days. Came home four days, went right back in to hospital. passed in hospital they said SHE had two months to two years, lost my mother 3 months ago, lost my four year old son little over three years ago. my mother left me a little money so I was just trying to improve my house. Did not know I needed a permit the house across the street is the same

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

To improve my property and REBOR HOUD.

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.

It will not hurt
neighborhood it will just improve area
house around, help neighborhood value go up

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 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.

MEMORANDUM

TO: KINGSFORT BOARD OF ZONING APPEALS

FROM: Ken Weems, AICP, Zoning Administrator

DATE: July 13, 2017

RE: 2101 Fort Henry Drive

The Board is asked to consider the following request:

Case: 17-701-00011 – Property located at 2101 Fort Henry Drive, Control Map 61E, Group H, Parcel 012.00 requests a 77.66 square foot wall sign variance to Sec 114-533(9)c. The property is zoned B-4P, Planned Shopping Center District.

The applicant, Hull Property Group, is proposing new wall signage for a Dunham's Sports store that will open in the Fort Henry Mall later this year. Two separate wall signs, equal in size, measure 187.34 square feet individually. The total square footage for both proposed wall signs amounts to 374.68 square feet. The actual variance needed is a 74.68 square foot variance, which differs slightly from the request on the application. The business ground coverage of the Dunham's Sports store is 48,000 sq ft, however wall signage allotment in a B-4P sign maxes out at 300 sq ft of wall sign once the first 30,000 sq ft of building ground coverage exists for a business.

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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
Jim Deming, City Recorder
P1T: 7/24/17

APPLICATION
Board of Zoning Appeals



APPLICANT INFORMATION:

Last Name Kingston Mall, LLC	First	M.I.	Date
Street Address 1190 Interstate Parkway		Apartment/Unit #	
City Augusta	State GA	ZIP 30909	
Phone	E-mail Address		

PROPERTY INFORMATION:

Tax Map Information	Tax map:	Group:	Parcel:	Lot:
Street Address 2101 Fort Henry Dr. Kingsport, TN 37664			Apartment/Unit #	
Current Zone	B-4P	Proposed Zone B-4P		
Current Use	commercial	Proposed Use	commercial	

REPRESENTATIVE INFORMATION:

Last Name	Gentry	First	Wayne	M.I.	Date	7/11/17
Street Address				194 HWY 75		
Apartment/Unit #						
City	Blountville	State	TN	ZIP	37617	
Phone	423-323-4050	E-mail Address		wayne@blountvillesign.com		

REQUESTED ACTION:

To utilize a total square footage of 377.66 of signage, which is over the 300 square footage allowed for B4P District.

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: *John G. M. [Signature]* Date: 7-11-17

Signed before me on this 12th day of July, 2017,
a notary public for the State of Tennessee
County of Sullivan
Notary *Alison Harrison*
My Commission Expires 6-19-18



Variance Worksheet – Finding of Facts

Variations. 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.

It is our position that the current regulation, of a maximum 300 square foot combined signage does not allow for sufficient signage for this business, due to the nature of the store location and limited noticeability. This business will cover 48,000 square feet of ground coverage and is located at the side/rear of the Fort Henry Mall.

The proposed Dunham's side sign will help customers navigate to the location from Fort Henry Drive, as the location is not facing a roadway. The size is needed because this side sign is approximately 775 feet away from the nearest point of Fort Henry Drive. The front sign is needed to clearly mark the storefront entrance. This storefront is facing the rear of the property and not visible upon entering the property.

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

The strict application will deprive Dunham's of directing traffic towards their location entrance, as they will not be visible from a roadway or parking lot entrance.

- 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.

The conditions and circumstances are not the result of actions of the applicant.

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

This appeal, if granted will not impact the existing character of the property and surrounding area in any way. It will only enhance the overall look and assist in directing traffic towards their destination.

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.

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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.



NORTH

SITE PLAN

NOT TO SCALE

ASG
 ADVANCE SIGN GROUP
 5150 WALCUTT COURT
 COLUMBUS, OHIO 43228
 614.429.2111

ADVANCE SIGN GROUP
 5150 WALCUTT COURT
 COLUMBUS, OHIO 43228
 614.429.2111

CONSULTANT:
 A. WASSERSTROM
 PROJECT MANAGER:
 STEPHANIE KEEN
 DESIGNER:
 STUART HUGHES

- REVISIONS**
- 1.
 - 2.
 - 3.
 - 4.
 - 5.

DESIGN DOCUMENTATION: THIS DESIGN IS THE PROPERTY OF ADVANCE SIGN GROUP. NEITHER THE DRAWINGS NOR THE DESIGN MAY BE USED OR DISTRIBUTED WITHOUT APPROVAL OF ADVANCE SIGN GROUP.
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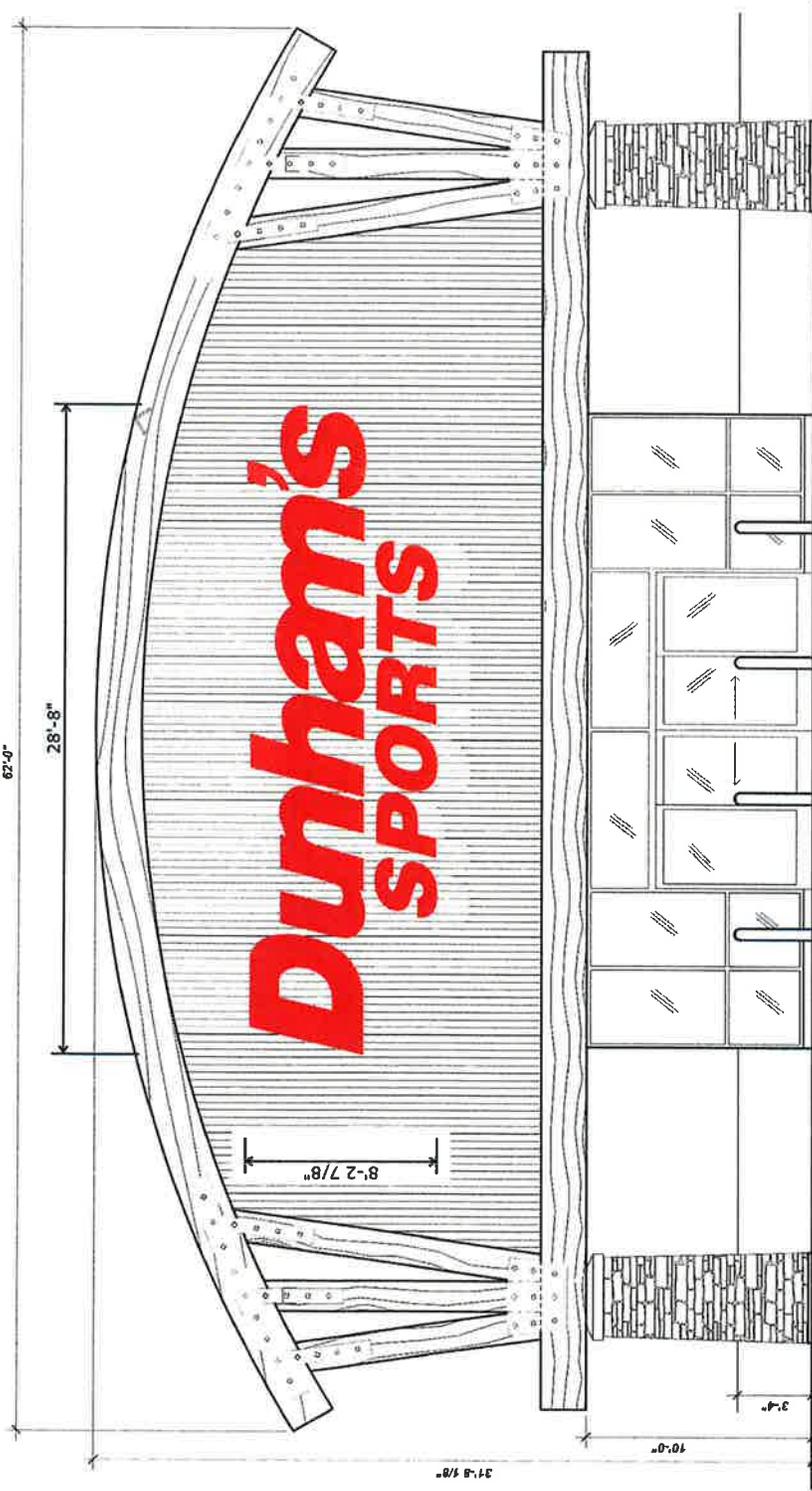
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CLIENT APPROVED SIGNATURE: _____ **DATE:** _____

Dunham's SPORTS
 FORT HENDRY DR
 KINGSPOORT, TN 37664

DRAWING NO.	021979
DATE OF LAST CHANGE:	5/3/17
PAGE NO.	SITE
REVISION NO.	1



EXTERIOR ELEVATION DRAWING SCALE 3/16" = 1'-0"

ASG
ADVANCE SIGN GROUP
 5150 WALCOTT COURT
 COLUMBUS, OHIO 43228
 614.429.2111



CONSULTANT:
 A. WASSERSTROM
 PROJECT MANAGER:
 STEPHANIE KEEN
 DESIGNER:
 STUART HUGHES

REVISIONS

- 1.
- 2.
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CLIENT APPROVED SIGNATURE: _____ DATE: _____

Dunham's
SPORTS
 FORT HENDRY DR
 KINGSPORT, TN 37664

DRAWING NO. 021979	DATE OF LAST CHANGE 5/3/17
PAGE NO. ELEV	REVISION NO. 1

SURVEY REQUIRED BEFORE PRODUCTION



EXTERIOR PHOTO ELEVATION **NO SCALE**

ASG
ADVANCE SIGN GROUP
 5150 WALCUTT COURT
 COLUMBUS, OHIO 43228
 614.429.2111



CONSULTANT:
 A. WASSERSTROM
 PROJECT MANAGER:
 STEPHANIE KEEN
 DESIGNER:
 STUART HUGHES

REVISIONS

- 1.
- 2.
- 3.
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INSTALLATION NOTES: ONE DEDICATED 110V/60HZ CIRCUIT BY OTHERS REQUIRED WITHIN 5' OF CENTER OF SIGN. THIS SIGN IS INTENDED TO BE INSTALLED IN ACCORDANCE WITH THE REQUIREMENTS OF ARTICLE 600 OF THE NATIONAL ELECTRICAL CODE AND/OR OTHER APPLICABLE CODES. THIS INCLUDES PROPER GROUNDING AND BONDING.

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CLIENT APPROVED SIGNATURE: _____ **DATE:** _____

Dunham's SPORTS
 FORT HENDRY DR
 KINGSPOST, TN 37664

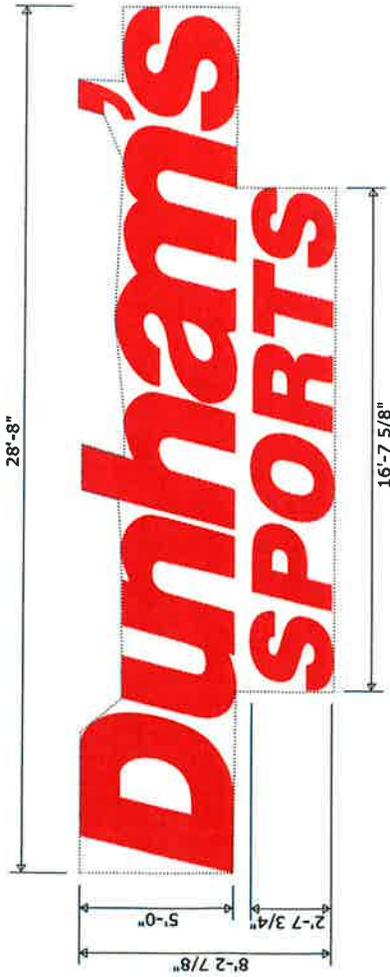
DRAWING NO.
 021979

DATE OF LAST CHANGE:
 5/3/17

PAGE NO.
 ELEV1

REVISION NO.
 1

SURVEY REQUIRED BEFORE PRODUCTION

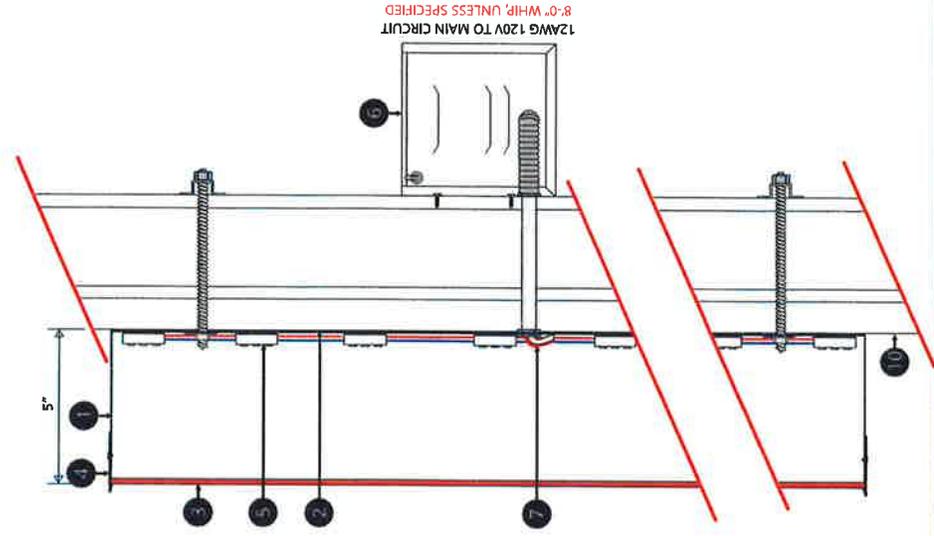


SCALE 1/4" = 1'-0"
162.3 SQUARE FEET

ILLUMINATED CHANNEL LETTERS
(1) ONE REQUIRED FOR STORE FRONT ELEVATION
(1) ONE REQUIRED FOR SIDE ELEVATION

SIGN DETAILS

- 5" DEEP - .063 ALUMINUM - PPC-063-RW - DUNHAM'S
- 5" DEEP - .040 ALUMINUM - PPC-040-RW - SPORTS
OUTSIDE RED/INSIDE WHITE
- .063 ALUMINUM - PPS-063-WW
OUTSIDE WHITE/INSIDE WHITE
- 3/16" 2415 RED ACRYLIC FACES
- 2" RED JEWELITE TRIM CAP - DUNHAM'S
- 1" RED JEWELITE TRIM CAP - SPORTS
- RED LED ILLUMINATION (QTY & PLACEMENT DETERMINED BY SIGN SIZE)
- REMOTE 120V POWER SUPPLIES MOUNTED INSIDE UL LISTED/RECOGNIZED BOXES
- UL LISTED/RECOGNIZED 18 AWG/2P/1TC WIRING AND FIXTURES GOING TO POWER SUPPLIES
- SIGN TO HAVE AN 8'-0" WHIP, INSTALLER TO SPECIFY IF SPECIFIC LENGTH IS REQUIRED
- MOUNTING HARDWARE TO BE DETERMINED AT TIME OF SURVEY
- WALL CONSTRUCTION TO BE DETERMINED AT TIME OF SURVEY



SIGN SECTION DETAIL

SCALE 3" = 1'-0"

ASG ADVANCE SIGN GROUP 6150 WALCUTT COURT COLUMBUS, OHIO 43228 614.429.2111 	CONSULTANT: A. WASSERSTROM PROJECT MANAGER: STEPHANIE KEEN DESIGNER: STUART HUGHES	REVISIONS 1. 2. 3. 4. 5.	DUNHAM'S SPORTS FORT HENDRY DR KINGSPORT, TN 37664	DRAWING NO. 021979	DATE OF LAST CHANGE: 5/3/17
	INSTALLATION NOTES: ONE DEDICATED (1) 120VAC CIRCUIT BY OTHERS REQUIRED WITHIN 5' OF CENTER OF SIGN THIS SIGN IS INTENDED TO BE INSTALLED IN ACCORDANCE WITH THE REQUIREMENTS OF ARTICLE 600 OF THE NATIONAL ELECTRICAL CODE AND/OR OTHER APPLICABLE CODES. THIS INCLUDES PROPER GROUNDING AND BONDING.	CLIENT APPROVED SIGNATURE: _____ DATE: _____	APPROVALS	PAGE NO. 1.0	REVISION NO. 1

MEMORANDUM

TO: KINGSFORT BOARD OF ZONING APPEALS

FROM: Ken Weems, AICP, Zoning Administrator

DATE: July 19, 2017

RE: 3830 Bonita Street

The Board is asked to consider the following request:

Case: 17-701-00012 – Property located at 3830 Bonita Street, Control Map 62G, Group F, Parcel 022.00 requests a special exception in order to construct a church fellowship hall to Sec 114-187(c). The property is zoned R-4, Medium Density Apartment District.

The applicant, David Castle, is the pastor for Hillcrest Bible Mission Church. The church is proposing to construct a fellowship hall on an abutting parcel (3830 Bonita Street). Religious institutions require a special exception to be constructed in an R-4 zone.



KINGSFORD

BEVERLY HILL ST

BONITA ST

MARGENT BLVD

BUSBEE SH

KENT ST

KITE ST

BOND DR

HAWTHORNE ST

Softway Community

10/20/2018 08:07:17

16

00

REGULAR MEETING
& PUBLIC HEARING
Kingsport Board of Zoning Appeals

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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
Jim Deming, City Recorder
P1T: 7/24/17

APPLICATION
Board of Zoning Appeals



APPLICANT INFORMATION:

Last Name Castle First David M.I. E. Date 7-14-17
Street Address 286 AA Deakins Rd. Apartment/Unit #
City Jonesborough State Tn. ZIP 37659
Phone 423-737-6310 E-mail Address preacher_castle@yahoo.com

PROPERTY INFORMATION:

Tax Map Information Tax map: 062 G Group: F Parcel: 822.00 Lot: 3
Street Address 3830 Bonita St. Apartment/Unit #
Current Zone R-4 Proposed Zone No change
Current Use Vacant Parcel Proposed Use Fellowship Hall

REPRESENTATIVE INFORMATION:

Last Name Same as Above First _____ M.I. _____ Date _____
Street Address _____ Apartment/Unit # _____
City _____ State _____ ZIP _____
Phone _____ E-mail Address _____

REQUESTED ACTION:

Special Exception for Fellowship Hall use in a residential zone.

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: David E. Castle

Date: 7-14-17

Signed before me on this 14th day of July, 2017

a notary public for the State of Tennessee

County of Sullivan

Notary Alison Harrison

My Commission Expires 6-19-18



Board of Zoning Appeals Criteria and Application Requirements

The BZA utilizes the following Criteria in their decisions:

A Special Exception (conditional use) is an infrequent but desirable land use, which must be individually regulated for location and mode of operation due to its nature. The BZA will balance the public need for the specific use with possible adverse impacts upon the surrounding area if the special exception is granted.

Application Requirements of the Petitioner for a Special Exception:

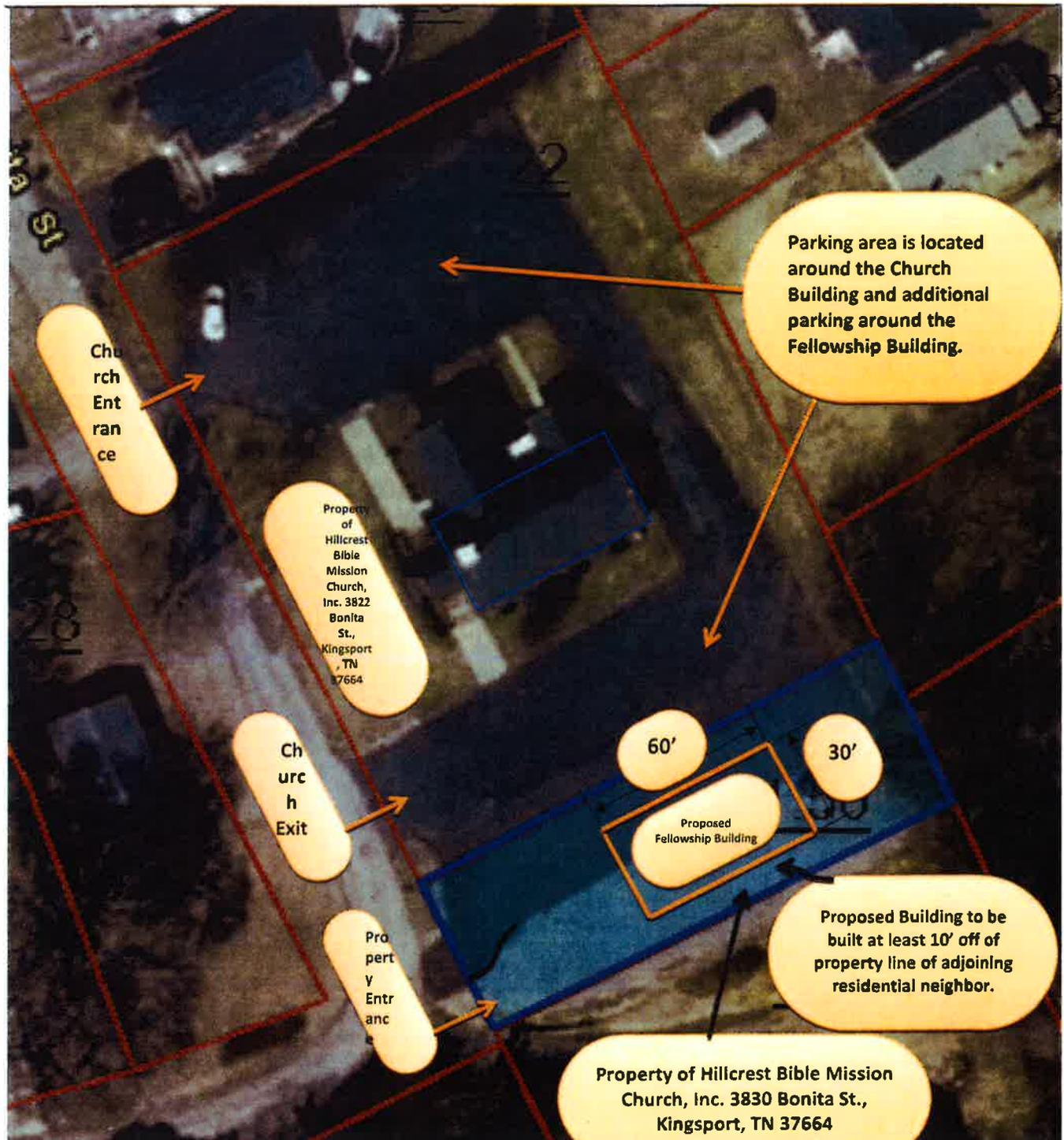
1. Completed Application
2. Provide staff with a drawing/plan of the proposed building with dimensions, parking lots, existing and proposed driveway, required green space and traffic circulation patterns.

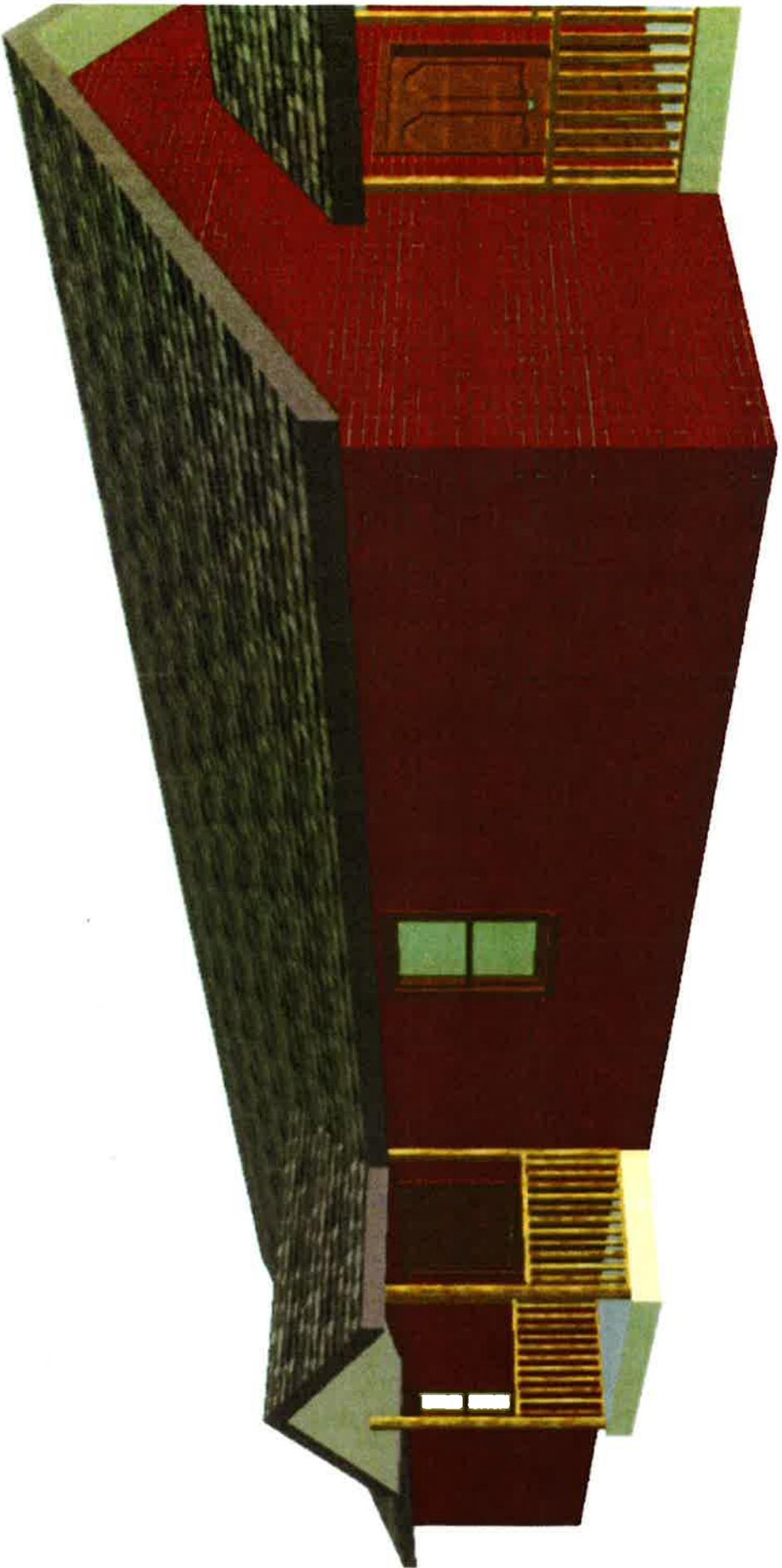
When applying for a special exception keep in mind the following and be prepared to answer:

1. What is the use, activities, hours of operation, numbers of anticipated customers and daily vehicles?
2. Are there accessible safe streets for anticipated traffic and adequate parking facilities on site?
3. Does the use and additions if any, fit with the neighborhood architecture aesthetics?
4. Will the use generate excessive noise, traffic, dust, etc.?
5. Is there proper fencing and screening to shield proposed use from existing neighborhood?
6. Are there any undesirable effect upon the neighborhood's physical or environmental conditions or any adverse impacts on the health, safety and welfare of the surrounding area?

**** 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 \$50.00 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.**

1. No set schedule of activities.
2. Yes – Parking on adjoining Church property
3. Building would be an upgrade to community & neighborhood aesthetics
4. No
5. N/A or necessary
6. Will be upgrade to existing lot and an environment improvement
7. Area to be shedded will be 30'X60' with 10' offset on rear and lower side of property
8. Handicap accessible pad to adjoin paved lot at entrance door





**MINUTES OF THE DRIVING TOUR OF THE
KINGSPORT BOARD OF ZONING APPEALS (BZA)**

June 8, 2017

10:30 a.m.

Members Present:

Leland Leonard
Bill Sumner
Frank Oglesby

Members Absent:

Anita Campbell
Ashok Gala

Staff Present:

Ken Weems, AICP

At 10:30 a.m., the BZA departed the Development Services Building, 201 W. Market St. to conduct a driving tour of the property located at 2005 American Way, 2417 E. Stone Drive, and 135 W. Ravine Rd. No official action was taken.

The driving tour concluded at 11:30 a.m.

Respectfully Submitted,

Ken Weems, AICP
Zoning Administrator

MINUTES OF THE KINGSPORT BOARD OF ZONING APPEALS (BZA)

June 8, 2017, Regular Meeting

Noon

Bob Clear Conference Room, 1st floor of the Development Services Building

Members Present:

Leland Leonard, Chairman
Bill Sumner
Frank Oglesby

Members Absent

Anita Campbell
Ashok Gala

Staff Present:

Ken Weems, AICP
Page Jeffers

Visitors:

Brian Alderson
Bob Prendergast
Charles Allen
Pete Adams
Clinton Roberts
Donald Bagley
Larry Varner

Chairman Leonard called the meeting to order.

Chairman Leonard explained the meeting procedures.

Ms. Page Jeffers conducted the swearing in ceremony for those wishing to speak during the regular meeting. Brian Alderson, Bob Prendergast, Charles Allen, Pete Adams, Clinton Roberts, and Donald Bagley were sworn in.

Public Hearing:

Case: 17-701-00005 – Property located at 2005 American Way, Control Map 47P, Group A, Parcel 005.40 requests a 13.2 foot side yard variance in order to construct a new storage building to Sec 114-198(f)1(d). The property is zoned M-1R, Light Manufacturing Restricted District.

Mr. Charles Allen presented the case to the Board. Mr. Allen stated that he needed to place a new mini-storage building next to the fence that runs along his property line. Mr. Allen stated that the close proximity to the fence and property line is essential due to the amount of space taken by large moving trucks as they enter the premises. Mr. Allen further stated that the side property line abuts a perpetual easement that will never contain a building. Mr. Allen further noted that the new structure would have gutters and would drain to the existing water drainage area in the front of the parcel. Bill Sumner asked if other options had been explored for placing the new structure. Mr. Allen answered that the proposed area is the only spot that is situated appropriately for such a structure. Chairman Leonard inquired about fire protection for the rear

of the lot. Mr. Allen noted that the new structure would not hinder any future fire protection efforts to the rear of the lot.

Chairman Leonard opened the public hearing. Mr. Donald Bagley stated that he was not against the new structure, but was attending the meeting to learn more about it. Mr. Bagley further stated that the perpetual easement was meant to provide access to adjoining properties. Mr. Bagley stated that a road was proposed for the easement in the past, but it was never built. Next, Chairman Leonard swore in Mr. Larry Varner. Mr. Varner reiterated that the easement in question was in existence to supply access to adjacent property. Chairman Leonard, seeing no one else wishing to speak, closed the public hearing.

Case: 17-701-00006 – Property located at 2101 Swannanoa Avenue, Control Map 061L, Group A, Parcel 003.00 requests a .34 foot side yard variance in order to construct a handicap ramp to Sec 114-140(1). The property is zoned R-1B, Residential District.

Mr. Bob Prendergast presented the case to the Board. Mr. Prendergast stated that his client was in need of a handicap ramp to provide safe access to her home. Mr. Prendergast drew reference to the survey he submitted, acknowledging that the required variance was small, yet necessary to acquire his building permit.

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

Case: 17-701-00007 – Property located off Tri Cities Crossing, Control Map 105, Parcel 193.00 requests a landscaping reduction variance to Sec 114-600(4)a . The property is zoned B-4P, Planned Business District.

Mr. Clinton Roberts presented the case to the Board. Mr. Roberts explained that the new development for the property wants to reduce the required buffer strip planting on the northern property line to not contain any of the required 13 deciduous trees. Mr. Roberts further explained that the same 13 trees would be planted at other site locations on the same property. Specifically, 5 of the deciduous trees would be placed on the western property line and 8 of the deciduous trees would be placed in the vicinity of the southeastern corner of the property.

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

Case: 17-701-00009 – Property located at 135 W. Ravine Rd, Control Map 046G, Group F, Parcel 024.00 requests a 180 square foot wall sign variance to Sec 114-533(5)d . The property is zoned P-1, Professional Offices District.

Mr. Brian Alderson presented the case to the Board. Mr. Alderson stated that the Regional Eye Center desires to have 60 square feet of wall sign on 4 sides of the building for a total of 240 square feet of wall sign. Mr. Alderson then presented the Board with different design proposals for the wall signs, stating that the same variance amount was still in effect.

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

Case: 17-701-00008 – Property located at 2417 East Stone Drive, Control Map 047, Parcel 029.00 requests a variance to reduce the degree of nonconformance for the existing freestanding sign on the property to Sec 114-531(b) . The property is zoned M-1R, Light Manufacturing Restricted District.

Mr. Ken Weems announced to the Board that the representative for this item had scheduled a flight from San Antonio for the original June 1 date for the meeting. Once the meeting had to be rescheduled for June 8, the representative was already committed to a different site visit in a different state. Subsequently, Chairman Leonard allowed the case to be presented by staff. Mr. Weems presented the case to the Board. Mr. Weems stated that the existing sign, which is over 50 feet tall, is proposed to be replaced with another non-conforming sign which is more in keeping with adjacent B-3 zone standards. The proposed non-conforming sign is indirectly illuminated, 30 feet tall, and 100 square feet in size. Mr. Sumner asked staff to define the freestanding sign standard in an M-1R district. Staff stated that the freestanding sign standard in an M-1R district is a maximum of 5 feet tall and 32 square feet in size.

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

Next, Chairman Leonard called for the approval of the May 4, 2017 driving tour and regular meeting minutes. On a motion by Mr. Sumner, seconded by Mr. Oglesby, the Board approved the May 4, 2017 driving tour minutes. On a motion by Mr. Oglesby, seconded by Mr. Sumner, the Board approved the May 4, 2017 regular meeting minutes.

The Board stated, for the record, that the next submittal deadline is June 15, 2017 at noon for the July 6, 2017 regular meeting.

Adjudication of Cases:

Case: 17-701-00005 – Property located at 2005 American Way, Control Map 47P, Group A, Parcel 005.40

Chairman Leonard stated that he could not identify a hardship for this property. Mr. Sumner asked what the standard is for determining yard requirements. Staff stated that yards are measured between a building and a lot line.

MOTION: made by Mr. Sumner, seconded by Mr. Oglesby, to postpone the case until the applicant produces the deed of easement in an effort to define ownership of the easement.

VOTE: 3-0 to postpone the request

Case: 17-701-00006 – Property located at 2101 Swannanoa Avenue, Control Map 061L, Group A, Parcel 003.00

Chairman Leonard stated that this case contains ADA considerations.

MOTION: made by Mr. Sumner, seconded by Mr. Oglesby, to grant the .34 foot side yard variance as requested.

VOTE: 3-0 to approve the request.

PROOF PRESENTED:

1. 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. *The property slopes in the front, making a ramp on the front property impractical.*
2. The manner in which the strict application of this chapter would deprive the applicant of a reasonable use of the land. *The strict application of this chapter would deny the owners of a reasonable use of their property.*
3. The unique conditions and circumstances are not the result of actions of the applicant taken subsequent to the adoption or amendment of this chapter. *The existing property configuration is not a result of the applicant.*
4. Reasons that the variance will preserve not harm the public safety and welfare and will not alter the essential character of the neighborhood. *The variance will preserve the essential character of the neighborhood by allowing a handicap ramp in the most appropriate place to provide ADA accommodation.*

Case: 17-701-00007 – Property located off Tri Cities Crossing, Control Map 105, Parcel 193.00

MOTION: made by Mr. Sumner, seconded by Mr. Oglesby, to grant the landscaping reduction as requested with the condition that the trees in question are planted in other areas of the parcel as proposed.

VOTE: 3-0 to approve the request.

PROOF PRESENTED:

1. 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. *The site abuts farm property owned by the variance applicant.*
2. The manner in which the strict application of this chapter would deprive the applicant of a reasonable use of the land. *The strict application of this chapter would deny the owners of a reasonable use of their property.*
3. The unique conditions and circumstances are not the result of actions of the applicant taken subsequent to the adoption or amendment of this chapter. *The existing property configuration is not a result of the applicant.*
4. Reasons that the variance will preserve not harm the public safety and welfare and will not alter the essential character of the neighborhood. *The variance will preserve the essential character of the area while providing additional deciduous trees where they will be better seen.*

Case: 17-701-00009 – Property located at 135 W. Ravine Rd, Control Map 046G, Group F, Parcel 024.00

Chairman Leonard noted that granting this variance would make it difficult to turn down similar requests in the future. Mr. Sumner made a motion to allow 60 square feet of wall sign on two sides of the building (a variance amount of 60 square feet). The motion failed due to lack of a second.

MOTION: made by Chairman Leonard, seconded by Mr. Oglesby, to deny the request due to lack of hardship.

VOTE: 2-1 to deny the request.

Case: 17-701-00008 – Property located at 2417 East Stone Drive, Control Map 047, Parcel 029.00

MOTION: made by Mr. Oglesby, seconded by Mr. Sumner, to grant approval for the non-conforming sign as proposed based upon the proposal lessening the degree of non-conformance as compared to the existing freestanding sign.

VOTE: 3-0 to approve the request.

With no further business the meeting was adjourned at 1:23 p.m.

Respectfully Submitted,

Ken Weems, AICP
Zoning Administrator