

KINGSPORT BOARD OF ZONING APPEALS AGENDA
REGULAR MEETING: August 4, 2016
Development Services Building – Bob Clear Conference Room

CALL TO ORDER – 12:00 P.M. NOON

INTRODUCTION / MEETING PROCEDURES

PUBLIC HEARING:

Case: 16-701-00012 – Property located at 1300 East Stone Drive, Control Map 46L, Group B, Parcel 002.00 requests a 2.2 foot variance to Sec 114-195(f)1(e). The code requires a 30 foot rear yard. The property is zoned B-3, Highway Oriented Business District.

INTERESTED PARTIES:

Owner: Manoj Patel
1300 East Stone Drive
Kingsport, TN 37660
(706) 853-0195

Representative: Manoj Patel

Case: 16-701-00013 – Property located at 2608 East Center Street, Control Map 62A, Group D, Parcel 017.00 requests a special exception for office use in a B-1 zone to Sec 114-193(c)2. The property is zoned B-1, Neighborhood Business District.

INTERESTED PARTIES:

Owner: Steve Droke
444 East Center Street
Kingsport, TN 37662
(423) 723-7370

Representative: Steve Droke

Case: 16-701-00014 – Property located at 2671 North John B Dennis Highway, Control Map 31, Parcels 007.00 and 008.00 requests a special exception for an institution for human care to Sec 114-227. The property is zoned B-4P, Planned Business District.

INTERESTED PARTIES:

Owner: Paul Schodowski
204 American Way
Kingsport, TN 37660
(423) 246-8840

Representative: Roger Barnett

BUSINESS:

Approval of the July 7, 2016 driving tour and regular meeting minutes.

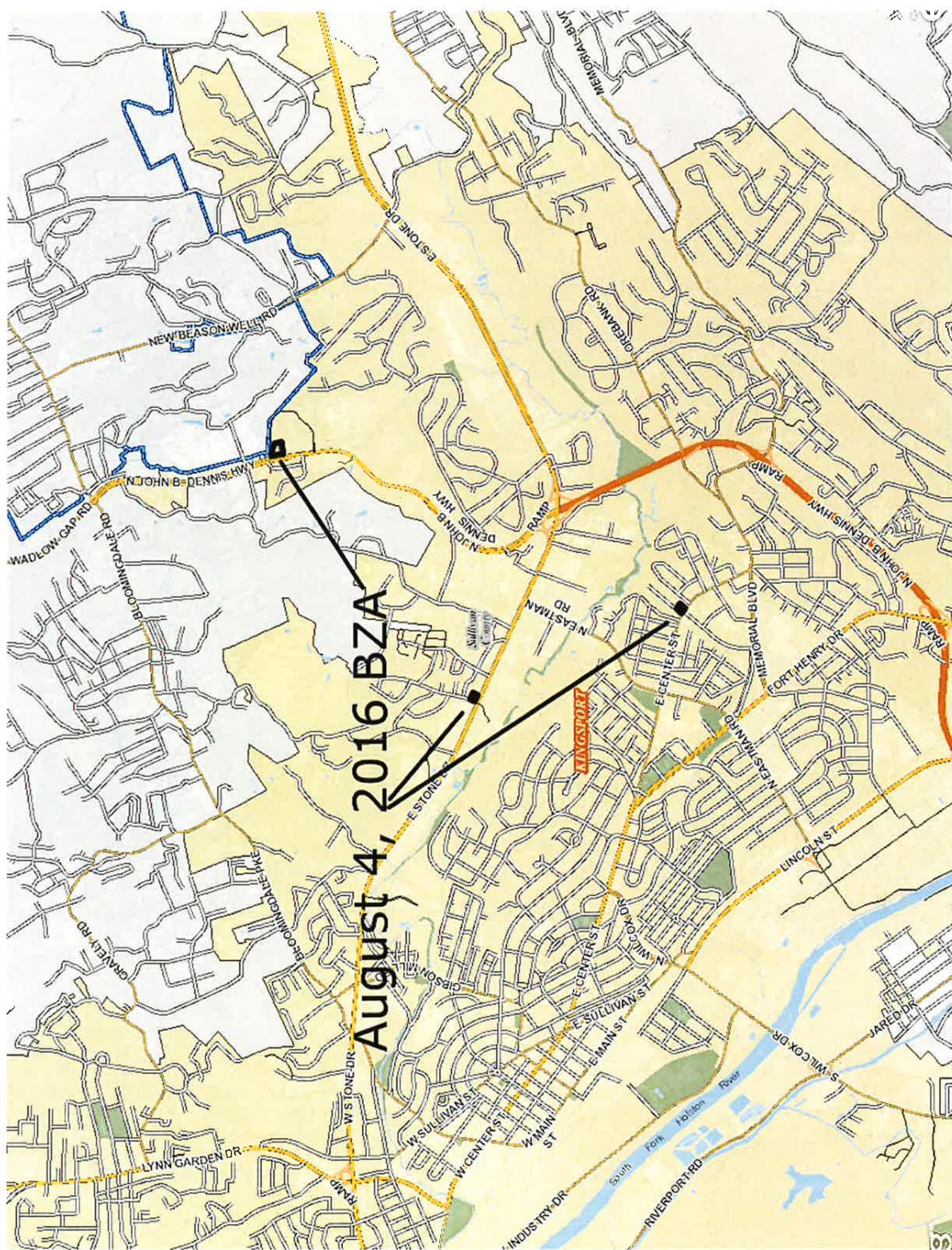
Stating for public record, the next application deadline is August 15, 2016 at noon, and meeting date (Thursday, September 1, 2016).

Staff Reports: none

ADJUDICATION OF CASES:

ADJOURNMENT:

August 4, 2016 BZA



MEMORANDUM

TO: KINGSPORT BOARD OF ZONING APPEALS

FROM: Ken Weems, AICP, Zoning Administrator

DATE: July 19, 2016

RE: 1300 East Stone Drive

The Board is asked to consider the following request:

Case: 16-701-00012 – Property located at 1300 East Stone Drive, Control Map 46L, Group B, Parcel 002.00 requests a 2.2 foot variance to Sec 114-195(f)1(e). The code requires a 30 foot rear yard. The property is zoned B-3, Highway Oriented Business District.

The applicant needs a variance to construct a 10' addition to the rear of the existing structure (gas station/ convenience store).



Zoned R-1B City

1800

BRIDGEWATER LN

1200

BERRY STREET GARDENS

1300

SULLIVAN CT

Zoned I-3 City

1308

1304

EASTONE DR

1336

1229

1225

FOSSINER PLACE (PVT)

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 4, 2016 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:

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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 Demming, City Recorder
PIT 7/25/16

Hand \$50.00
CASH



APPLICATION
Board of Zoning Appeals

APPLICANT INFORMATION:

Last Name	Manoj A. Patel	First	Manoj	M.I.	M	Date	06/29/16
Street Address	1300 E. Stone Dr.			Apartment/Unit #			
City	Kingsport	State	TN	ZIP	37660		
Phone	706-853-0195		E-mail Address	kushbuehna247@yahoo.com			

PROPERTY INFORMATION:

Tax Map Information Tax map: 046L Group: B Parcel: 002.0 Lot:

Street Address	1300 E. Stone Dr, Kingsport, TN		Apartment/Unit #	
Current Zone	Proposed Zone			
Current Use	Gas station & Convenience Store	Proposed Use		
		Gas station & Convenience store		

REPRESENTATIVE INFORMATION:

Last Name	Patel	First	Manoj	M.I.	M.	Date	06/29/16
Street Address	1300 E Stone Dr.			Apartment/Unit #			
City	Kingsport	State	TN	ZIP	37660		
Phone	706-853-0195		E-mail Address	kushbuehna247@yahoo.com			

REQUESTED ACTION:

Set back variance 2 to 3 Feet (2.2 Feet).

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: Manoj Patel Date: 06/29/16

Signed before me on this 30th day of June, 2016
a notary public for the State of Tennessee
County of at Large

Notary Page M. Jeffers
My Commission Expires 8/24/16



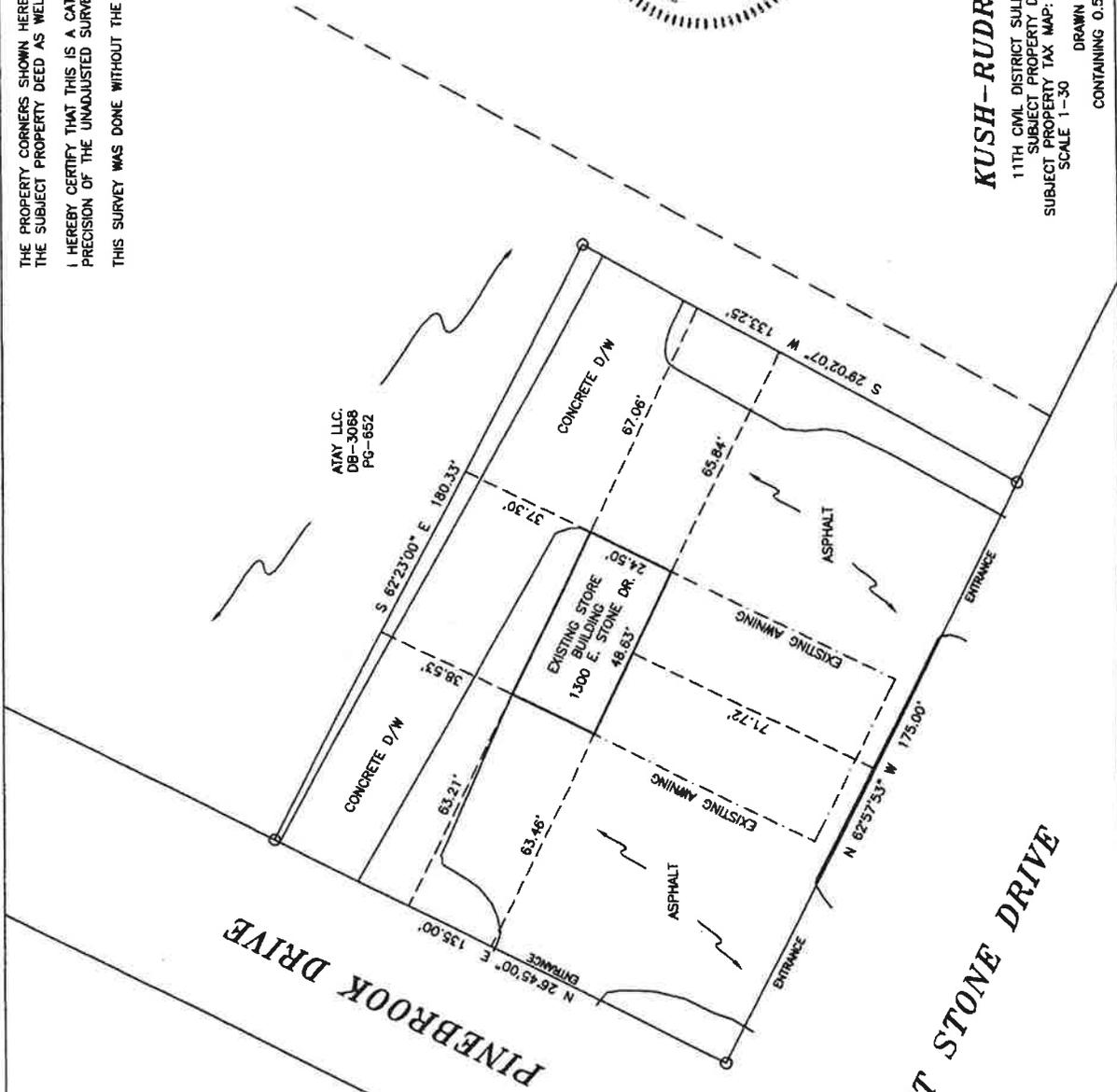
THE PROPERTY CORNERS SHOWN HEREON ARE CALCULATED POINTS FROM THE SUBJECT PROPERTY DEED AS WELL AS THE ADJOINING PROPERTY DEED. I HEREBY CERTIFY THAT THIS IS A CATEGORY 1 SURVEY AND THE RATIO OF PRECISION OF THE UNADJUSTED SURVEY IS 1-10000+ AS SHOWN HEREON. THIS SURVEY WAS DONE WITHOUT THE BENEFIT OF A TITLE SEARCH.



KUSH-RUDRA SITE PLAN

11TH CIVIL DISTRICT SULLIVAN COUNTY TENNESSEE
 SUBJECT PROPERTY DEED REF: 3136-1066
 SUBJECT PROPERTY TAX MAP: 046L GRP: B PARCEL: 002.00
 SCALE 1-30 DATE: 5/18/2016

DRAWN BY TGM
 CONTAINING 0.55 ACRES± TOTAL



ATAY LLC.
 DB-3068
 PG-652



MCCOY LAND SURVEYING
 806 EAST JACKSON BLVD STE. 11
 JONESBOROUGH, TENN 37659
 PH- 423-753-9192
 FAX- 423-753-7151

THIS DISTANCES SHOWN HEREON FROM THE BUILDING TO THE PROPERTY LINE ARE FROM THE EYE OF THE BUILDING. THE BUILDING WALL IS 0.5' FROM THE OUTSIDE OF THE EYE.

PINEBROOK DRIVE

EAST STONE 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.

My Parcel is Not as deep as Surrounding Parcel.

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

New edition allow me to consolidate many coolers,
added Room ~~for~~ will help me accommodate My Handicap,
Restrooms.

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.

Current condition were present when I
Purchase Property in October-2014.

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

Variance will allow proper Traffic flow
while allow me to properly service My customer.

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.

MEMORANDUM

TO: KINGSFORT BOARD OF ZONING APPEALS

FROM: Ken Weems, AICP, Zoning Administrator

DATE: July 19, 2016

RE: 2608 East Center Street

The Board is asked to consider the following request:

Case: 16-701-00013 – Property located at 2608 East Center Street, Control Map 62A, Group D, Parcel 017.00 requests a special exception for office use in a B-1 zone to Sec 114-193(c)2. The property is zoned B-1, Neighborhood Business District.

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& PUBLIC HEARING
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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 Demming, City Recorder
P1T 7/25/16

APPLICATION
Board of Zoning Appeals



APPLICANT INFORMATION: FIRST COMMUNITY BANK OF EAST TENNESSEE

Last Name _____ First _____ M.I. _____ Date 7/14/16
Street Address _____ Apartment/Unit # _____
444 EAST CENTER STREET
City KINGSPORT State TN ZIP 37662
Phone 423-723-6370 E-mail Address SDROKE@FCBANKTN.COM

PROPERTY INFORMATION:

Tax Map Information Tax map: 62A Group: D Parcel: 017.00 Lots: 1 – 3, BLOCK B, BELVUE ADDITION
Street Address 2608 EAST CENTER STREET Apartment/Unit # _____
Current Zone B1 Proposed Zone SPECIAL EXCEPTION – (2) OFFICES
Current Use VACANT/ PREV OFFICE
RETAIL / WAREHOUSE/ OFFICE Proposed Use OFFICE SPACE

REPRESENTATIVE INFORMATION:

Last Name DROKE First STEVE M.I. _____ Date 7/14/16
Street Address 444 EAST CENTER STREET Apartment/Unit # _____
City KINGSPORT State TN ZIP 37662
Phone 423-723-7370 E-mail Address SDROKE@FCBANKTN.COM

REQUESTED ACTION:

SPECIAL EXCEPTION – OFFICE USE OF LIVEWIRE COMMUNICATIONS

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: Steve Droke

Date: 7/14/16

Signed before me on this 14th day of July, 2016

a notary public for the State of Tennessee

County of Sullivan

Notary Tamara F. Hobbs

My Commission Expires 02-26-18



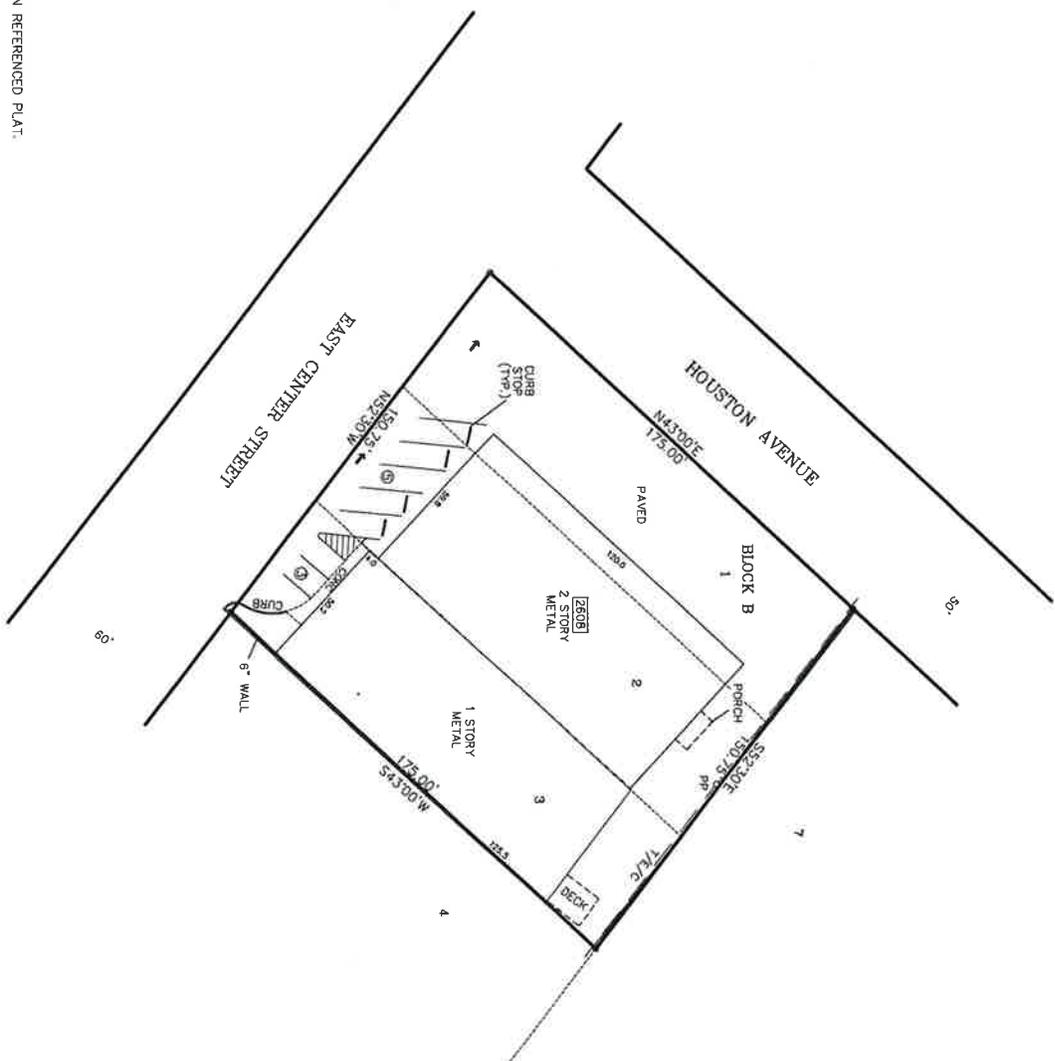
My Commission Expires February 26, 2018

My Commission Expires February 26, 2018

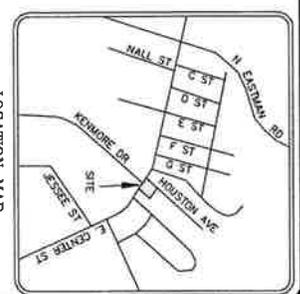
NOTES:

- 1) NORTH BASED ON N43700E AS SHOWN ON REFERENCED PLAT.
- 2) PROPERTY IS ZONED B--1

AS IS TO CERTIFY THAT I HAVE CONSULTED THE FEDERAL GOVERNMENT'S NATIONAL FLOOD INSURANCE PROGRAM MAP AND FOUND THAT THE SUBJECT PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA.
 B.N.O. 15--10277
 AND FILE 16-10277 DRKLDWG
 AND INFORMATION ELECTRONIC DATA COLLECTED
 AT REFERENCE: P.B. 6, P.G. 148A
 AS NOT SURVEYED.



PRELIMINARY PLAN FOR
 CONSTRUCTION OR RECORDING PURPOSES
 KINGSPORT, TENNESSEE



LEGEND
 P.B. PLAT BOOK
 D.B. DEED BOOK
 P.C. PAGE
 CONC. CONCRETE
 P.F.S. NOT TO SCALE
 T/E/C TELEPHONE/ELECTRIC/CABLE

ZONING DEVELOPMENT PLAN
 LOTS 1-3, BLOCK B, BELVUE ADDITION
 11TH CIVIL DISTRICT
 SULLIVAN COUNTY
 KINGSPORT, TENNESSEE
 DATE: JANUARY 28, 2016
 SCALE: 1" = 30'



REVISIONS:	DATE:	BY:

ALLEY & ASSOCIATES, INC.
 SURVEYORS
 243 E. MARKET STREET KINGSPORT, TENNESSEE 37660
 TELEPHONE (423) 392-5898
 FAX: (423) 392-0836
 E-MAIL: lingert@alleysurveyors.com

FIRST COMMUNITY BANK
 OF EAST TENNESSEE
 KINGSPORT, TENNESSEE

Board of Zoning Appeals Criteria and Application Requirements
On behalf of First Community Bank of East Tennessee for
2608 EAST CENTER STREET, KINGSPORT, TN

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 - **ATTACHED**
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. – **YOU ALREADY HAVE ON FILE**

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?
Use – office space; Activities – Provide structured cabling for Security, Audio & Video, Telephone systems, Network Services, and Network cabling; Hours – M-F 8:00 a.m. to 5:00 p.m.; Daily anticipated customers and vehicles - 10
2. Are there accessible safe streets for anticipated traffic and adequate parking facilities on site? **YES**
3. Does the use and additions if any, fit with the neighborhood architecture aesthetics? **YES**
4. Will the use generate excessive noise, traffic, dust, etc.? **NO**
5. Is there proper fencing and screening to shield proposed use from existing neighborhood? **YES**
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? **NO**

**** 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.**

MEMORANDUM

TO: KINGSFORT BOARD OF ZONING APPEALS

FROM: Ken Weems, AICP, Zoning Administrator

DATE: July 19, 2016

RE: 2671 North John B Dennis Highway

The Board is asked to consider the following request:

Case: 16-701-00014 – Property located at 2671 North John B Dennis Highway, Control Map 31, Parcels 007.00 and 008.00 requests a special exception for an institution for human care to Sec 114-227. The property is zoned B-4P, Planned Business District.

The applicant proposes a new medical office (podiatric) for the property.



Sullivan County
Zoned R-1 County

Zoned PD City

2601

2601

2601
2601

2601

GROSS CREEK DR (JVLD)

Sullivan County

KINGSFORT

Zoned B-4F

Zoned B-3 City

N JOHN B DENNIS HWY

Zoned B-3 City

SPRING HILL

2680
2681
2679
2677
2675

2676
2671
2669
2667
2663
2661

2654
2657
2656
2652
2651
2649

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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 Demming, City Recorder
PIT 7/25/16

APPLICATION
Board of Zoning Appeals



APPLICANT INFORMATION:

Last Name	SCHODOWSKI	First	PAUL	M.I.	B	Date	7/15/16
Street Address	2004 American Way			Apartment/Unit #	Suite 115		
City	Kingsport	State	Tennessee	ZIP	37660		
Phone	(423) 246-8840	E-mail Address	pbsdpm@gmail.com				

PROPERTY INFORMATION:

Tax Map Information	Tax map: 310	Group:	Parcel: 7&8	Lot: New Lot # 267 Plat Book P55
Street Address	J B Dennis Hwy (911 address pending) Kpt, TN 37660			Apartment/Unit #
Current Zone	B4-P	Proposed Zone	B4-P	
Current Use	Vacant	Proposed Use	Podiatry & Layer Office	

REPRESENTATIVE INFORMATION:

Last Name	Barnett	First	Roger	M.I.	C	Date	7/15/16
Street Address	444 West Center Street			Apartment/Unit #			
City	Kingsport	State	Tennessee	ZIP	37660		
Phone	423-765-9517 ext 222	E-mail Address	rbarnett@dbconstllc.com				

REQUESTED ACTION:

We request a special exemption for the use of a podiatrist and lawyer office be permitted.

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: Paul B Schodowski

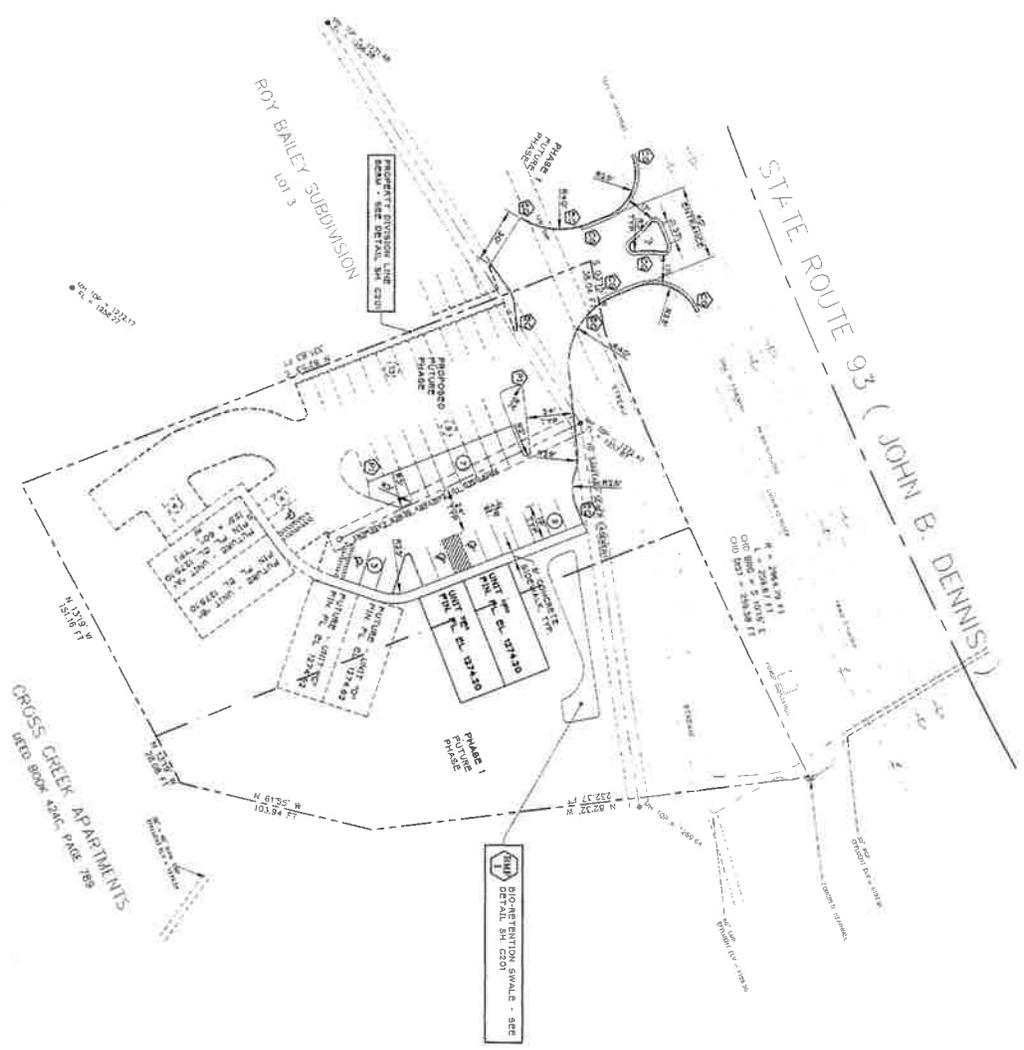
Date: 7/18/2016

Signed before me on this 18 day of July, 2016,
a notary public for the State of Tennessee
County of Sullivan

Notary Tina Brumett
My Commission Expires 2/25/2018



GENERAL DIMENSIONS:
 SPACES * 48' ON SITE PARKING
 VEHICLE SPACING:
 10' MINIMUM



SITE LAYOUT PLAN

- NOTES:
1. THE SITE LAYOUT PLAN SUPERIMPOSED ON SITE PLAN.
 2. ALL DIMENSIONS SHOWN TO FACE OF CURBS UNLESS NOTED OTHERWISE.

- LEGEND**
- PROPERTY LINES
 - NEW EXISTING CURBS
 - NEW CURB AND BUTTERS
 - PAINTED ISLANDS NO CURBS
 - EXISTING SANITARY SEWER EASEMENT
 - NEW SANITARY SEWER EASEMENT



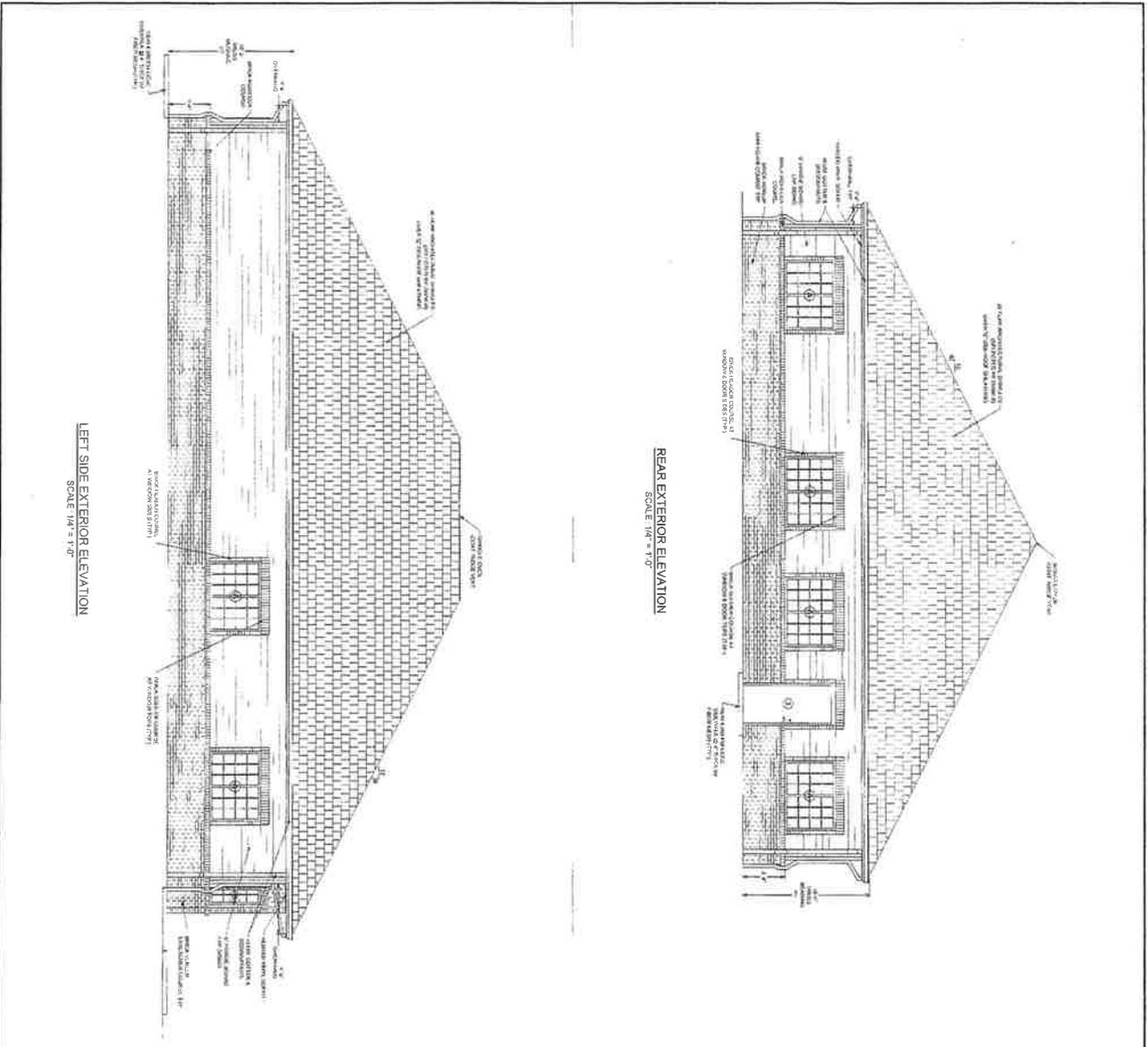
C100

REVISIONS			
NO.	DATE	DESCRIPTION	BY

PROJECT:
 NEW OFFICE FACILITY FOR
 DR. PAUL SCHOWOSKI
 NORTH JOHN B DENNIS HIGHWAY
 KINGSPORT, TENNESSEE 37660



DESIGN BUILD CONSTRUCTION, LLC
 444 WEST CENTER STREET
 KINGSPORT, TN 37660
 Phone: (423) 765-9517 www.dboostllc.com



REAR EXTERIOR ELEVATION
SCALE 1/4" = 1'-0"

LEFT SIDE EXTERIOR ELEVATION
SCALE 1/4" = 1'-0"

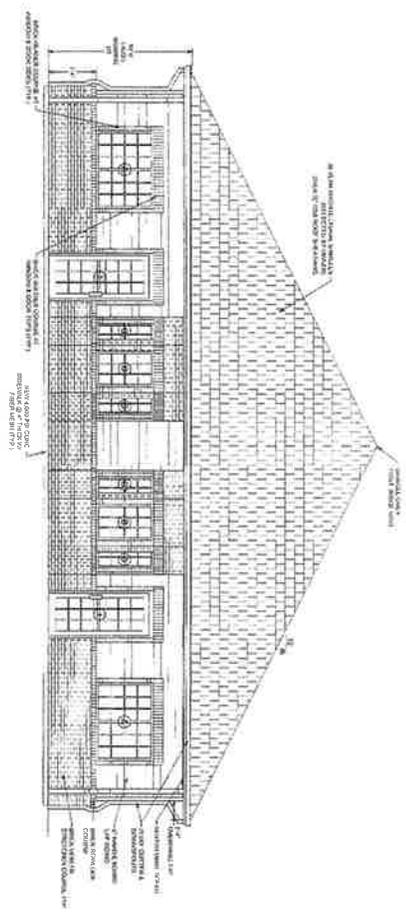
ROOM FINISH SCHEDULE

ROOM # & WALL	FLOOR	BASE	WALLS	TRIM	CEILING	NOTES
CHECK IN			M1		P2 @ BRASS	
WAITING			M1		P2 @ BRASS	
RECEPTION			M1		P2 @ BRASS	
CHECK OUT			M1		P2 @ BRASS	
CONFERENCE 1			M1		P2 @ BRASS	
MAIL/RECEIVE			M1		P2 @ BRASS	
EXAM 1/STENOGR			M1		P2 @ BRASS	
EXAM 2			M1		P2 @ BRASS	
EXAM 3			M1		P2 @ BRASS	
RECEPTION STATION			M1		P2 @ BRASS	
X-RAY			M1		P2 @ BRASS	
PHOTOPHYSIC			M1		P2 @ BRASS	
OFFICE MANAGER			M1		P2 @ BRASS	
CLERK 1			M1		P2 @ BRASS	
CLERK 2			M1		P2 @ BRASS	
CLERK 3			M1		P2 @ BRASS	
CLERK 4			M1		P2 @ BRASS	
CLERK 5			M1		P2 @ BRASS	
CLERK 6			M1		P2 @ BRASS	
CLERK 7			M1		P2 @ BRASS	
CLERK 8			M1		P2 @ BRASS	
CLERK 9			M1		P2 @ BRASS	
CLERK 10			M1		P2 @ BRASS	
CLERK 11			M1		P2 @ BRASS	
CLERK 12			M1		P2 @ BRASS	
CLERK 13			M1		P2 @ BRASS	
CLERK 14			M1		P2 @ BRASS	
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CLERK 71			M1		P2 @ BRASS	
CLERK 72			M1		P2 @ BRASS	
CLERK 73			M1		P2 @ BRASS	
CLERK 74			M1		P2 @ BRASS	
CLERK 75			M1		P2 @ BRASS	
CLERK 76			M1		P2 @ BRASS	
CLERK 77			M1		P2 @ BRASS	
CLERK 78			M1		P2 @ BRASS	
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CLERK 85			M1		P2 @ BRASS	
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CLERK 98			M1		P2 @ BRASS	
CLERK 99			M1		P2 @ BRASS	
CLERK 100			M1		P2 @ BRASS	

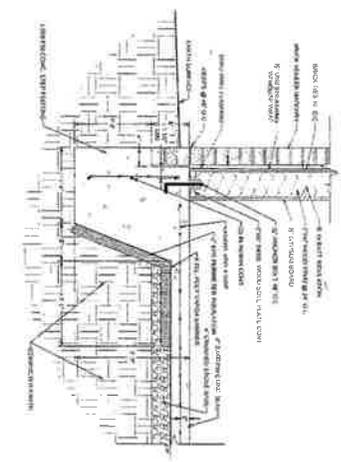
FINISH & SPECIALTY SPECIFICATIONS

- Finishing
- Paints selected by owner
- CTI - CERAMIC OR PORCELAIN TILE SELECTED BY OWNER
- Base
- WB 5X WOOD BASE ECK4519
- Additional Trim
- CRONIN 5X STYRON MOLDING E241
- EXHIBIT PAINTED GYPSUM BOARD WALLS - COLOR SELECTED BY OWNER
- P-2 PAINTED GYPSUM BOARD CEILING - COLOR SELECTED BY OWNER
- M-3 PAINTED BASE, CORNER, TRIM & CASING - COLOR SELECTED BY OWNER
- SPINNER 198
- R-1 PLASTIC LAMINATE KITCHEN COUNTER TOP - COLOR SELECTED BY OWNER
- Exterior Drives
- Code - WHITE

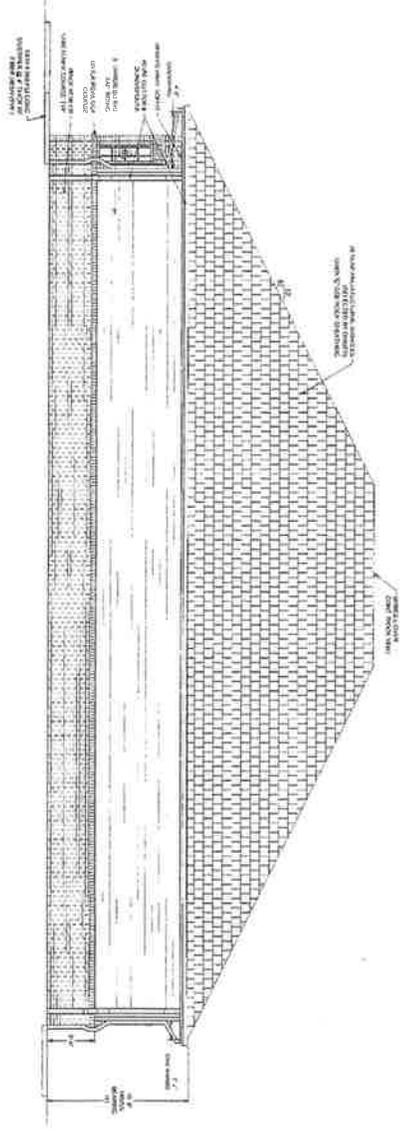
<p>REVISIONS</p> <table border="1"> <tr> <th>NO.</th> <th>DATE</th> <th>DESCRIPTION</th> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </table>	NO.	DATE	DESCRIPTION							<p>PROJECT</p> <p>NEW OFFICE FACILITY FOR DR. PAUL SCHOWOWSKI NORTH JOHN B DENNIS HIGHWAY KINGSPORT, TENNESSEE 37660</p>		<p>DESIGN BUILD CONSTRUCTION, LLC 444 WEST CENTER STREET KINGSPORT, TN 37660 Phone: (423) 765-9517 www.dbconstruction.com</p>
NO.	DATE	DESCRIPTION										



FRONT EXTERIOR ELEVATION
SCALE: 1/4" = 1'-0"



TYP. EXTERIOR WALL FOUNDATION SECTION
SCALE: 1" = 1'-0"



RIGHT SIDE EXTERIOR ELEVATION
SCALE: 1/4" = 1'-0"

<p>A-2</p> <p>2 of 4 SHEETS</p>	<p>REVISIONS</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 5%;">NO.</th> <th style="width: 15%;">DATE</th> <th style="width: 80%;">DESCRIPTION</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	NO.	DATE	DESCRIPTION										<p>PROJECT</p> <p>NEW OFFICE FACILITY FOR DR. PAUL SCHOWOWSKI NORTH JOHN B DENNIS HIGHWAY KINGSPORT, TENNESSEE 37660</p>		<p>DESIGN BUILD CONSTRUCTION, LLC 444 WEST CENTER STREET KINGSPORT, TN 37660 Phone: (423) 765-9517 www.dbconllc.com</p>
NO.	DATE	DESCRIPTION														

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

July 7, 2016

10:30 a.m.

Members Present:

Leland Leonard, Chairman
Frank Oglesby, Vice Chairman
Bill Sumner
Bob Winstead, Jr.

Members Absent

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 3828 Ridgeline Drive, 1525 Linville Street, 3357 East Stone Drive, and 5301 Canova Court. No official action was taken.

The driving tour concluded at 11:50 a.m.

Respectfully Submitted,

Ken Weems, AICP
Zoning Administrator

MINUTES OF THE KINGSPORT BOARD OF ZONING APPEALS (BZA)

June 7, 2016, Regular Meeting

Noon

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

Members Present:

Leland Leonard, Chairman
Frank Oglesby, Vice Chairman
Bill Sumner
Bob Winstead, Jr.

Members Absent

Ashok Gala

Staff Present:

Ken Weems, AICP
Page Jeffers

Visitors:

Jeff Begley
W. Marion Conerly, III
Jim Thrift
Angela Thrift
David L. Cole
Fred White

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. Jeff Begley, W. Marion Conerly III, Jim Thrift, and Angela Thrift were sworn in.

Public Hearing:

Case: 16-701-00008 – Property located at 3828 Ridgeline Drive, Control Map 620, Group A, Parcel 024.00 requests a 372 square foot variance to Sec 114-133(2). The code allows a maximum of 1,100 square feet of accessory building floor area. Additionally, a 4 foot vertical height variance is requested for an accessory structure to Sec 114-133(2). The code provides for accessory structures to not exceed the height of the principal structure or 35 feet, whichever is less. The property is zoned R-1B, Residential District.

Ms. Thrift presented the case to the Board. Ms. Thrift described the small house on the property and her family's need for a garage and workspace. Chairman Leonard asked about the two boats parked in the rear of the property. Ms. Thrift answered that the boats are being stored there temporarily and that they belong to her stepson. Vice Chairman Oglesby questioned staff as to if the Board is to consider the building ground coverage when determining accessory structure size. Mr. Weems stated that the code addresses total floor area as opposed to building ground coverage. Ms. Thrift further stated that she and her husband also own the abutting lot.

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

Case: 16-701-00009 – Property located at 1525 Linville Street, Control Map 46N, Parcel 016.00 requests a variance to permit an inground swimming pool in the side yard to Sec 114-133(1). The code requires swimming pools in the rear yard. The property is zoned R-1A, Residential District.

Mr. W. Marion Conerly III presented the case to the Board. Mr. Conerly stated that he did not have enough space in his rear yard to construct a swimming pool and that the side of his home is the only possible place the swimming pool could be constructed. Mr. Conerly acknowledged that he had been before the Board in the past for variance approval for a home addition.

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

Chairman Leonard swore in Mr. Fred White

Case: 16-701-00010 – Property located at 3357 East Stone Drive, Control Map 32, Parcel 083.10 requests a 10 foot side yard variance to Sec 114-198(f)(1)d. The code requires a 15 foot side yard. The property is zoned M-1R, Light Manufacturing Restricted District.

Mr. Fred White presented the case to the Board. Mr. White stated that he was unaware of the fifteen foot side yard requirement for the zoning of his property, and that he would never had purchased the property if he had been aware of the requirement. Mr. White stated that he needed to set his new building closer to the side property line since he would sometimes be servicing large boats up to 45 feet in length.

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

Case: 16-701-00011 – Property located at 5301 Canova Court, Control Map 47L, Group A, Parcel 011.00 requests a 15.91 foot variance to Sec 114-183(e)(1)e. The code requires a 30 foot rear yard. The property is zoned R-1B, Residential District.

Mr. Jeff Begley presented the case to the Board. Mr. Begley stated that the owner of the property desired to partially cover his existing back porch. Mr. Begley noted the construction will shed upon the roof of the existing home and contain an outdoor television and fireplace. Mr. Begley noted that the porch cover will be open on all sides excluding the portion with the fireplace. Mr. Begley described the appearance of the porch cover as resembling that of the home and that the stone patio will remain as-is.

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

Conducting the business meeting, Chairman Leonard called for the approval of the minutes. On a motion by Bill Sumner, seconded by Bob Winstead, Jr. the minutes on of the June 2, 2016 driving tour were approved unanimously, 3-0. On a motion by Bob Winstead, Jr., seconded by Bill Sumner, the minutes of the June 2, 2016 regular meeting were approved unanimously, 3-0

The Board stated, for the record that the next Board of Zoning Appeals application deadline is July 15, 2016 at noon with a meeting date of August 4, 2016.

Adjudication of Cases:

Case: 16-701-00008 – Property located at 3828 Ridgeline Drive, Control Map 62O, Group A, Parcel 024.00

Bill Sumner stated that it was clear the property contained hardship due to existing conditions. Mr. Sumner added that the home lacked the necessary storage for the property and that the house was small.

MOTION: made by Bill Sumner, seconded by Mr. Winstead to grant both variances of accessory structure height and floor area as requested, with the stipulation that the building materials used for the accessory structure be compatible with that of the existing home.

VOTE: 3-0 to approve the request due to the property configuration constraints and existing conditions when the property was recently purchased.

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 existing home is small in comparison with adjacent structures.*
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 lot size and configuration is not a result of actions 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 creating an accessory structure that is compatible with existing accessory structures in the general vicinity.*

Case: 16-701-00009 – Property located at 1525 Linville Street, Control Map 46N, Parcel 016.00

Chairman Leonard stated that the property owner had simply ran out of room in the rear of the property. Additionally, Chairman Leonard acknowledged the two previously granted BZA variances dealing with the rear yard of the property.

MOTION: made by Frank Oglesby, seconded by Mr. Winstead to grant the variance of allowing an inground pool to be built in the side yard of the property.

VOTE: 3-0 to approve the request due to the severe lack of space in the rear yard of the property.

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 does not have adequate space in the rear yard to locate an accessory structure.*
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 lot size and configuration is not a result of actions 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 creating an accessory structure that is similar in location characteristics of adjacent property inground pools.*

Case: 16-701-00010 – Property located at 3357 East Stone Drive, Control Map 32, Parcel 083.10

Frank Oglesby stated that the property hardship for this case pertains to the floodplain configuration and potentially the the existing power easement.

MOTION: made by Mr. Winstead, seconded by Mr. Sumner to grant the requested variance.

VOTE: 3-0 to approve the request due to the floodplain location on the property.

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 lot is heavily encumbered by existing floodplain from Reedy Creek.*
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 lot size and configuration is not a result of actions 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 creating an accessory structure that is compatible with existing accessory structures in the general vicinity.*

Case: 16-701-00011 – Property located at 5301 Canova Court, Control Map 47L, Group A, Parcel 011.00

Bill Sumner stated that the existing single family home located on the property was barely within the allowable setbacks for the zoning district. Additionally, Mr. Sumner acknowledged the existing similar structures contained by adjacent homes.

MOTION: made by Bill Sumner, seconded by Mr. Winstead to grant the 15.91 foot rear yard variance with the stipulation that the building materials used for the covered porch be compatible with those of the existing home.

VOTE: 3-0 to approve the request due to the property configuration and similar features of surrounding single family homes.

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 lot configuration of the property is unique since it is located at the terminus of a cul-de-sac. This fact limits the depth of the rear yard while providing for a very wide rear yard.*
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 lot size and configuration is not a result of actions 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 creating a home addition that is compatible with existing principal structures in the general vicinity.*

With no further business the meeting was adjourned at 12:55 p.m.

Respectfully Submitted,

Ken Weems, AICP
Zoning Administrator