

KINGSPORT BOARD OF ZONING APPEALS AGENDA  
REGULAR MEETING: February 2, 2017  
Development Services Building – Bob Clear Conference Room

CALL TO ORDER – 12:00 P.M. NOON

INTRODUCTION / MEETING PROCEDURES

**PUBLIC HEARING:**

**Case: 16-701-00028 – Property located at 1025 Maple Street, Control Map 460, Group J, Parcel 032.00**

requests a special exception for church accessory structure use in an R-1B zone to Sec 114-183(c); a 1,060 square foot variance for accessory structure size to Sec 114-133(2); and a 4.79% variance to lot coverage in a residential zone to Sec 114-133(2). The property is zoned R-1B, Residential District.

***INTERESTED PARTIES:***

Owner: Forrest L. Hall, Jr.  
3301 Martin Farm Road  
Kingsport, TN 37664  
(423) 341-5672

Representative: Kenny L. Simpson

**BUSINESS:**

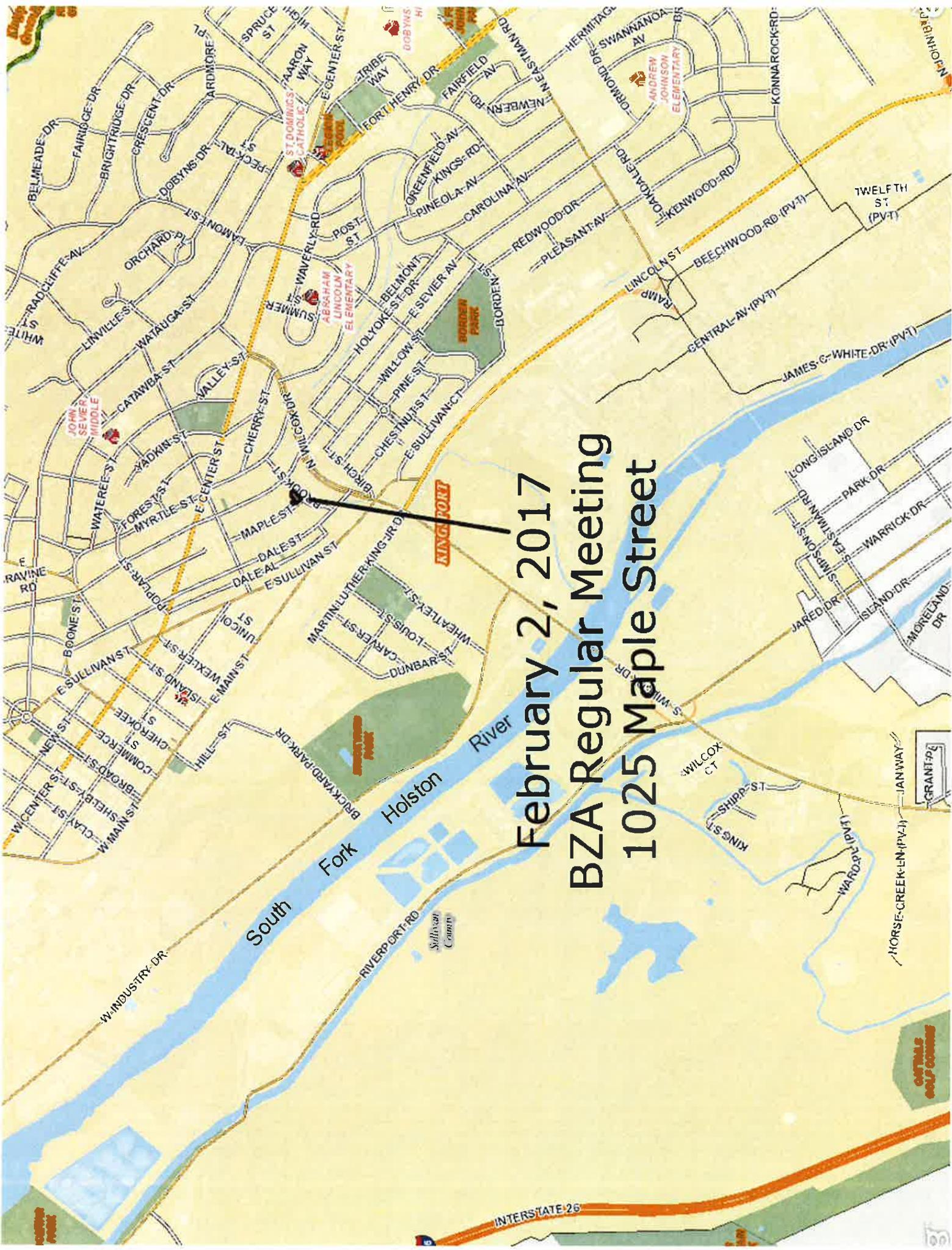
**Approval of the January 5, 2017 driving tour and regular meeting minutes.**

**Stating for public record, the next application deadline is February 15, 2017 at noon, and meeting date (Thursday, March 2, 2017).**

**Staff Reports: none**

**ADJUDICATION OF CASES:**

**ADJOURNMENT:**



**February 2, 2017**  
**BZA Regular Meeting**  
**1025 Maple Street**

South Fork Holston River

INTERSTATE 26

CENTRAL  
COURT  
COURT

MEMORANDUM

TO: KINGSFORT BOARD OF ZONING APPEALS

FROM: Ken Weems, AICP, Zoning Administrator

DATE: January 19, 2017

RE: 1025 Maple Street

The Board is asked to consider the following request:

**Case: 16-701-00028 – Property located at 1025 Maple Street, Control Map 46O, Group J, Parcel 032.00 requests** a special exception for church accessory structure use in an R-1B zone to Sec 114-183(c); a 1,060 square foot variance for accessory structure size to Sec 114-133(2); and a 4.79% variance to lot coverage in a residential zone to Sec 114-133(2). The property is zoned R-1B, Residential District.



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 2, 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: 16-701-00028 – Property located at 1025 Maple Street, Control Map 46O, Group J, Parcel 032.00** requests a special exception for church accessory structure use in an R-1B zone to Sec 114-183(c); a 1,060 square foot variance for accessory structure size to Sec 114-133(2); and a 4.79% variance to lot coverage in a residential zone to Sec 114-133(2). 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  
PIT: 1/23/17

**APPLICATION**  
Board of Zoning Appeals



**APPLICANT INFORMATION:**

Last Name	Hall, Jr.	First	Forrest (Vern)	M.I.	L.	Date	1/10/17
Street Address	3301 Martin Farm Rd.			Apartment/Unit #			
City	Johnson City	State	TN	ZIP	37601		
Phone	(423) 737-2170		E-mail Address	freegiftgospelmission@yahoo.com			

**PROPERTY INFORMATION:**

Tax Map Information	Tax map: 460	Group: J	Parcel: 32	Lot:			
Street Address	1025 Maple St. Kingsport, TN 37660			Apartment/Unit #			
Current Zone	R-1B	Proposed Zone	no change				
Current Use	church	Proposed Use	addition of fellowship hall				

**REPRESENTATIVE INFORMATION:**

Last Name	Simpson	First	Kenney	M.I.	L.	Date	1/10/17
Street Address	3348 Lightwood Dr			Apartment/Unit #			
City	Kingsport	State	TN	ZIP	37660		
Phone	(423) 579-9222		E-mail Address				

**REQUESTED ACTION:**

- 1) Special exception church accessory building ~~in an R-1B~~ zone
- 2) 1060 sq. ft. variance to accessory structure size
- 3) Lot coverage variance of 4.79%

**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: Forrest J. Hall, Jr. Date: 1/10/17

Signed before me on this 10<sup>th</sup> day of Jan., 2017

a notary public for the State of Tennessee

County of Sullivan

Notary Alison Namusi

My Commission Expires 6-19-18



## 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.

*The current lot where our church is located is extremely small.*

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

*Not receiving a variance would deprive our church of the use of A fellowship hall whereas other churches in the area have this feature already.*

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 current site conditions were this way when we acquired the property.*

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

*Approval of the variances will enable us to serve our community as a fully functional church capable of meeting immediate needs in the community.*

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.



I HEREBY CERTIFY THAT THIS IS A CATEGORY I SURVEY AND THAT THE RATIO OF PRECISION OF THE UNADJUSTED SURVEY IS NOT LESS THAN 1:10,000 AS SHOWN HEREON AND IS DONE IN COMPLIANCE WITH THE TENNESSEE MINIMUM STANDARDS OF PRACTICE.

STEVEN G. PIERCE  
REGISTERED PROFESSIONAL SURVEYOR  
N.C. PLS L-5110

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FREE GIFT GOSPEL MISSION SITE PLAN	
KINGSPORT REGIONAL PLANNING COMMISSION	
TOTAL ACRES	0.291 AC.
TOTAL LOTS	1
ACRES NEW ROAD	0
MILES NEW ROAD	0
OWNER	FREE GIFT GOSPEL MISSION CIVIL DISTRICT
CIVIL DISTRICT	11TH
CLOSURE ERROR	1:10,000
SURVEYOR	STEVEN G. PIERCE
SCALE: 1" =	20'

NUMBER	DEG. TA	RADIUS	LENGTH	CHORD	CHORD BEARING
C1	01°30'48"	1825.00	63.63	5.2922713"	E
C2	01°52'27"	2125.00	68.51	N 29°22'01"	W
C3	01°20'19"	2125.00	49.65	N 26°34'03"	W
C4	01°22'39"	2125.00	49.85	N 25°13'24"	W

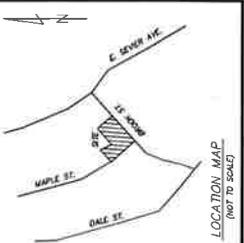
LOT 1B  
JAMES ARTHUR CAMPBELL  
D.B. 148C PC 540  
MAP 0818 C.M.46-0 GRP-J PAR.35

PART OF LOT 1B  
D.B. 183A PC 334  
MAP 0818 C.M.46-0 GRP-J PAR.33

TOTAL COMBINED AREA  
0.291 AC.  
12676 Sq. Ft.

MAPLE STREET

BROOK STREET



- NOTES
- THIS PROPERTY IS DESCRIBED IN D.B. 3013 OF LOT 20 OF BLOCK 21 OF THE CITY OF KINGSPORT TOWNSHIP PLAN SHOWN IN PLAT BOOK 4 PAGE 20A.
  - DEED REFERENCES TO ANY EASEMENTS, EITHER WRITTEN OR UNWRITTEN.
  - DEED REFERENCES AND ADJOINING OWNERS' INTERESTS ON ADJACENT LOTS SHOWN ARE SUBJECT TO THE ACCURACY THEREOF. ARE SUBJECT TO THE ACCURACY THEREOF.
  - THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE EXAMINATION AND IS SUBJECT THEREIN TO ALL LEGAL DOCUMENTATION FOUND.
  - THIS PROPERTY DOES NOT LIE IN A FLOOD ZONE AS SHOWN ON FIRM MAP NO.471630040D.
  - PROPERTY IS CURRENTLY ZONED R-1B.
  - BUILDING SETBACK LIMITS: FRONT=30'; SIDE=5'; REAR=30'.
  - 911 ADDRESS: 1022 MAPLE ST., KINGSPORT, TN

LOT COVERAGE CALCULATIONS  
EXISTING LOT COVERAGE: 17.75%  
LOT COVERAGE AFTER NEW BUILDING: 34.79%

SITE PLAN FOR  
**FREE GIFT GOSPEL MISSION**  
CITY OF KINGSPORT  
11TH CIVIL DISTRICT  
SULLIVAN COUNTY, TENNESSEE  
SURVEYED APRIL 1, 2016  
SITE PLAN DRAWN SEPTEMBER 9, 2016  
PLAT REVISED NOVEMBER 29, 2016

- LEGEND
- IRON ROD OLD
  - IRON PIPE OLD
  - IRON ROD NEW
  - UTILITY POLE
  - WATER METER
  - STORMWATER MANHOLE
  - SEWER MANHOLE
  - 0/4" UTILITY LINE
  - INTERNAL TRACT LINE
  - GENERATING SETBACK
  - 1" LINE SETBACK
  - BOUNDARY LINE
  - ADJOINING PROPERTY LINE
  - 1" CONTACT LINES

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

**January 5, 2017**

10:30 a.m.

Members Present:

Leland Leonard, Chairman  
Frank Oglesby, Vice Chairman  
Bill Sumner  
Ashok Gala

Members Absent:

Bob Winstead, Jr.

Staff Present:

Ken Weems, AICP

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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 3706 Thornton Drive and 225 Westfield Drive. 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)

### January 5, 2017, Regular Meeting

Noon

Bob Clear Conference Room, 1<sup>st</sup> floor of the Development Services Building

Members Present:

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

Members Absent

none

Staff Present:

Ken Weems, AICP  
Page Jeffers

Visitors:

Scott Powers  
Brenda Wilson  
Bobby Wilson  
Trent Wilson  
John Rose  
Kim Torbett  
Bruce Ratliff  
Darin Karst  
Mark Torbett

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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. Scott Powers, Kim Torbett, Bruce Ratliff, and John Rose were sworn in.

**Public Hearing:**

**Case: 16-701-00027 – Property located at 3706 Thornton Drive, Control Map 77A, Group F, Parcel 005.00** requests a 10 foot front yard variance to Sec 114-183 e(1)c to accommodate a new single family home. The property is zoned R-1B, Residential District.

Mr. Bruce Ratliff presented the case to the Board. Mr. Ratliff described the steep terrain and the need to construct a home closer to the street due to having to construct a very tall basement for the home otherwise. Mr. Ratliff also stated that he owns the parcel to the west of the parcel in question. Next, Mr. John Rose spoke in support of the agenda item. Mr. Rose addressed the steep grade of the property, noting that construction would be very difficult without a front yard variance. Mr. Rose further stated that the basement of the home would have to be abnormally tall to properly accommodate the home without variance relief. Mr. Weems stated that only the abutting property owner to the east of the subject parcel had contacted he planning office. Mr.

Weems stated that the only concern of the property owner is that he did not want a trailer on the parcel.

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

**Case: 16-701-00028 – Property located at 252 Westfield Drive, Control Map 105, Parcel 093.00** requests a special exception to Sec 114-191 c(6) to accommodate a dental office. The property is zoned P-1, Professional Offices District.

Mr. Scott Powers presented the case to the Board, stating that the location is properly suited for a dental office. Mr. Powers further stated that the office would not be close to any residential dwellings. Mr. Powers stated that the property and building had been used as a daycare center for the area for several years. Bill Sumner inquired about the available parking. Mr. Weems stated that enough space is available to provide parking for the dental office as described in the zoning code. Mr. Weems stated that no one had contacted the planning offices about the case. Frank Oglesby noted that the property is far from any existing residential uses. Bob Winstead, Jr. asked staff as to why distanced parameters are associated with special exception requests in a P-1 district for dental offices. Mr. Weems explained that although this P-1 zoned parcel is far away from residential uses, many P-1 zones are very close to residential uses and the distance parameters may be needed for other cases to ensure harmony with surrounding/ existing residential neighborhoods.

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

Chairman Leonard, in conducting the business portion of the meeting, asked staff to conduct the 2017 officer elections for the Board. Mr. Weems addressed the Board. Mr. Weems called for nominations for the Chairman position for the year 2017. Frank Oglesby made a motion to nominate Chairman Leonard. Bill Sumner seconded the motion. Mr. Weems called for discussion. No discussion occurred. Chairman Leonard was re-elected to the Chairman office by a vote of 4-0. Next, Mr. Weems called for nomination for the Vice Chairman position for the year 2017. Bob Winstead, Jr. made a motion to nominate Vice Chairman Frank Oglesby. Bill Sumner seconded the motion. Mr. Weems called for discussion. No discussion occurred. Vice Chairman Oglesby was re-elected to the Vice Chairman office for the year 2017.

Next, Chairman Leonard called for the approval of the December 1, 2016 driving tour and regular meeting minutes. On a motion by Mr. Sumner, seconded by Mr. Gala, the Board approved the December 1, 2016 driving tour minutes. On a motion by Mr. Sumner, seconded by Mr. Gala, the Board approved the December 1, 2016 regular meeting minutes.

The Board stated, for the record, that the next submittal deadline is January 16, 2017 at noon for the February 2, 2017 regular meeting.

#### **Adjudication of Cases:**

**Case: 16-701-00027 – Property located at 3706 Thornton Drive, Control Map 77A, Group F, Parcel 005.00**

Chairman Leonard acknowledged that as attested to by the case representatives, the property is extremely steep. Frank Oglesby inquired as to why the property needed a slope easement. Chairman Leonard remarked that the slope easement is necessary to maintain a safe road for

the portion of parcel that fronts Thornton Drive. Chairman Leonard also stated that the property owner could not build on the portion of the property that contains the slope easement.

MOTION: made by Mr. Gala, seconded by Mr. Winstead, Jr., to grant the 10 foot front yard variance as proposed.

VOTE: 4-0 to approve the request due to extremely steep terrain along the front of the parcel.

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 parcel configuration leaves the existing parcel with an extremely steep grade abutting the street and effecting the rest of the parcel.*
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, whereas all surrounding lots do not contain a slope as extreme as the one for this 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 home similar in size and amenities to those surrounding it.*

**Case: 16-701-00028 – Property located at 252 Westfield Drive, Control Map 105, Parcel 093.00**

Frank Oglesby stated that the proposal does not represent a significant impact to any adjacent single family use. Bill Sumner noted that the proposal is not a detrimental use. The Board acknowledged that the proposal is not located in a densely populated area.

MOTION: made by Mr. Oglesby, seconded by Mr. Sumner, to grant the special exception as proposed.

VOTE: 4-0 to approve the request

With no further business the meeting was adjourned at 12:25 p.m.

Respectfully Submitted,

Ken Weems, AICP  
Zoning Administrator