

KINGSPORT BOARD OF ZONING APPEALS AGENDA
REGULAR MEETING: October 6, 2016
Development Services Building – Bob Clear Conference Room

CALL TO ORDER – 12:00 P.M. NOON

INTRODUCTION / MEETING PROCEDURES

PUBLIC HEARING:

Case: 16-701-00017 – Property located at 604 Beechwood Drive, Control Map 920, Group A, Parcel 009.00 requests a 6.9 foot side yard variance to Sec 114-183 (e)(1)d to accommodate a carport. The property is zoned R-1B, Residential District.

INTERESTED PARTIES:

Owner: Dennis Robbins
604 Beechwood Drive
Kingsport, TN 37663
(423) 817-0524

Representative: Dennis Robbins

Case: 16-701-00018 – Property located off Kendrick Creek Road, Control Map 119, Parcels 097.05 and 098.50 requests a special exception to Sec 114-201(c)(1) necessary to accommodate a franchised auto dealership. The property is zoned TA/C, Tourist Accommodation/Commerce District.

INTERESTED PARTIES:

Owner: Stewart Taylor
Taylor Properties #2 LP
1043 Fordtown Road
Kingsport, TN 37663-3584
(423)349-6957

Representative: William Roller

Case: 16-701-00019 – Property located off Fort Henry Drive, Control Map 77H, Group C, a Portion of Parcel 003.00 requests a special exception to Sec 114-227 necessary to accommodate an institution for human care (assisted living facility). The property is zoned B-4P, Planned Business District.

INTERESTED PARTIES:

Owner: First Southeast Dev LLC
PO Box 1000

Abingdon, VA 24212
(251) 460-0069

Representative: Dan Elcan

BUSINESS:

Approval of the September 1, 2016 driving tour and regular meeting minutes.

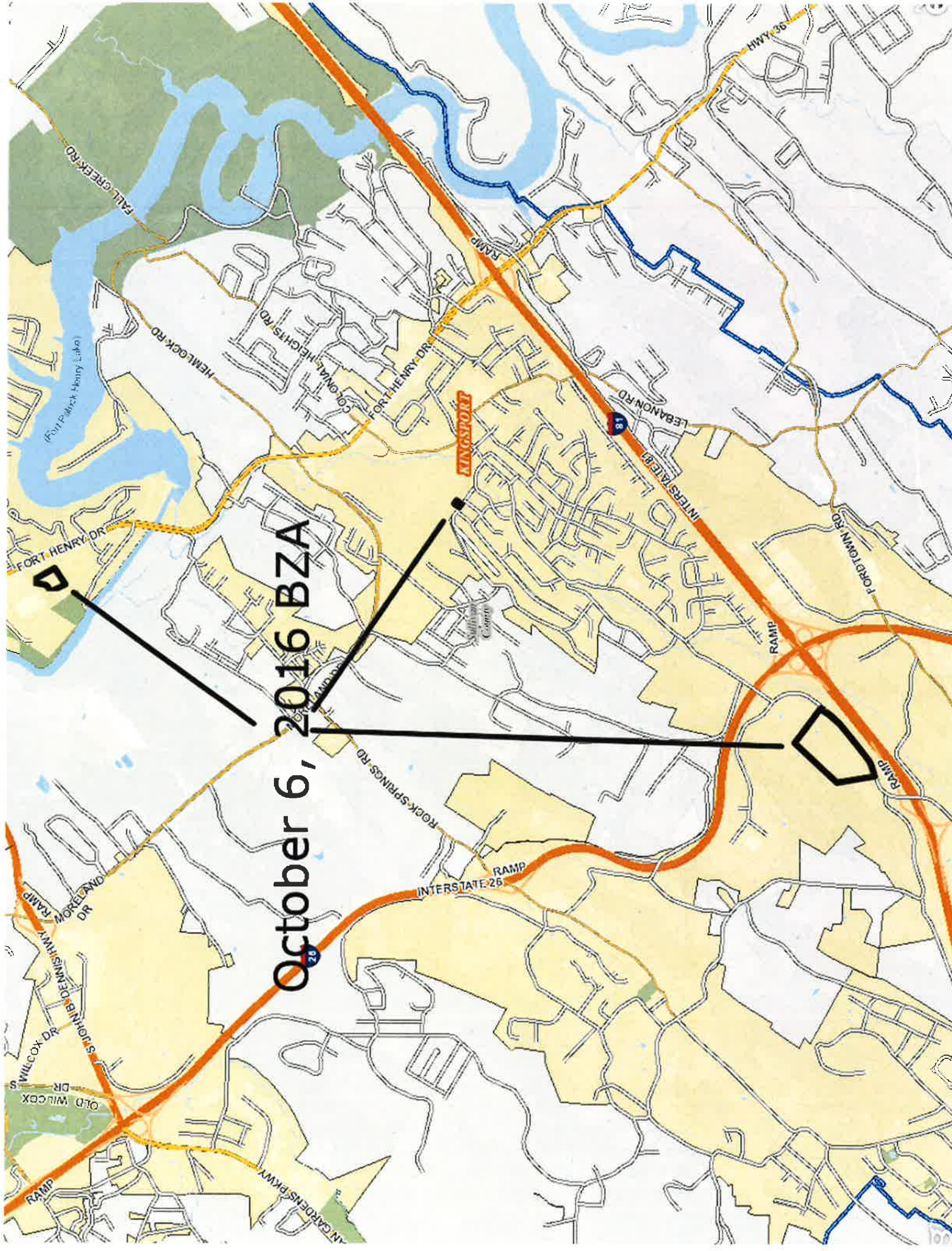
Stating for public record, the next application deadline is October 17, 2016 at noon, and meeting date (Thursday, November 3, 2016).

Staff Reports: none

ADJUDICATION OF CASES:

ADJOURNMENT:

October 6, 2016 BZA



MEMORANDUM

TO: KINGSFORT BOARD OF ZONING APPEALS

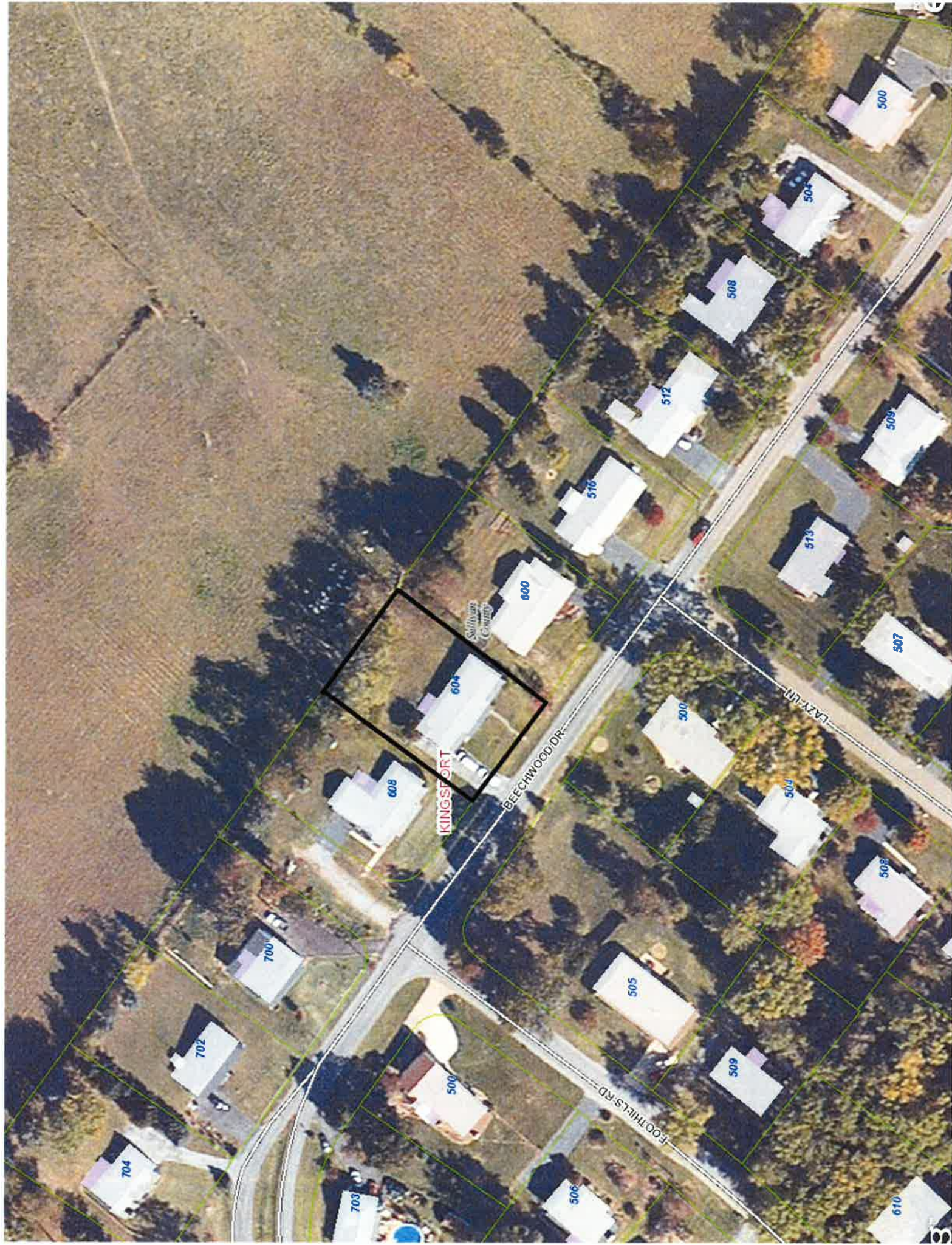
FROM: Ken Weems, AICP, Zoning Administrator

DATE: September 21, 2016

RE: 604 Beechwood Drive

The Board is asked to consider the following request:

Case: 16-701-00017 – Property located at 604 Beechwood Drive, Control Map 920, Group A, Parcel 009.00 requests a 6.9 foot side yard variance to Sec 114-183 (e)(1)d to accommodate a carport. 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, October 6, 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:

Case: 16-701-00017 – Property located at 604 Beechwood Drive, Control Map 92O, Group A, Parcel 009.00 requests a 6.9 foot side yard variance to Sec 114-183 (e)(1)d to accommodate a carport. 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 Demming, City Recorder
P1T 9/26/16

APPLICATION
Board of Zoning Appeals



APPLICANT INFORMATION:

Last Name Robbins First Dennis M.I. A. Date _____
Street Address 604 Beechwood Drive Apartment/Unit # _____
City Kingsport State Tennessee ZIP 37663
Phone 423-817-0524 E-mail Address tendenonmtn@yahoo.com

PROPERTY INFORMATION:

Tax Map Information Tax map: 920 Group: A Parcel: 9 Lot: 7
Street Address 604 Beechwood Drive Apartment/Unit # _____
Current Zone R-1B Proposed Zone N/A
Current Use Single Family Proposed Use Same

REPRESENTATIVE INFORMATION:

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

REQUESTED ACTION:

6.9ft side yard variance to accommodate a carport

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: Dennis A Robbins

Date: 09-07-2016

Signed before me on this 7th day of September 2016
a notary public for the State of Tennessee
County of Sullivan

Notary Alison Harrison
My Commission Expires 06-19-17



Saxon & Associates

129 Otari Drive
Kingsport, TN 37664-5200
PHONE: (423) 245-9926
FAX: (423) 245-0931
dansaxon@chartertn.net

LOT 8, BLOCK J, SEC B
ECHO VALLEY SUBDV.
P.B. 7, P. 113
EDDIE R. JOHNS, ET UX.
608 BEECHWOOD DR.
KINGSPORT, TN 37663
TAX MAP 92-0/A/10-00
D.B. 2816C, P. 575
14th CD, SULLIVAN COUNTY

KENT HARRIS, ET UX.
D.B. 924C, P. 320
TAX MAP 92/30-00
252 LEBANON RD
(DIST. 13" 49" E 100.01'
S52°13'49" E 100.01'

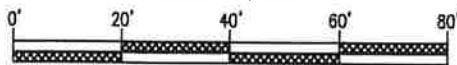
LOT 7, BLOCK J, SEC B
ECHO VALLEY SUBDV.
P.B. 7, P. 113
DENNIS A. ROBBINS, ET UX.
604 BEECHWOOD DR.
KINGSPORT, TN 37663
TAX MAP 92-0/A/9-00
D.B. 1000C, P. 360
14th CD, SULLIVAN COUNTY

LOT 6, BLOCK J, SEC B
ECHO VALLEY SUBDV.
P.B. 7, P. 113
ANGELA NEWTON
600 BEECHWOOD DR.
KINGSPORT, TN 37663
TAX MAP 92-0/A/8-00
D.B. 2972C, P. 803
14th CD, SULLIVAN COUNTY

I HEREBY CERTIFY THAT THIS IS A CATEGORY 1 SURVEY: THE RATIO OF PRECISION OF THE UNADJUSTED SURVEY IS 1:10,000 AS SHOWN HEREON AND TO THE BEST OF MY KNOWLEDGE AND BELIEF THIS SURVEY CONFORMS TO THE TENNESSEE STANDARD OF PRACTICE



SURVEY FOR:
DENNIS A. ROBBINS, ET UX.
14th CIVIL DISTRICT, SULLIVAN COUNTY
KINGSPORT, TENNESSEE
SURVEY BY: DANIEL I. SAXON, RLS
AUGUST 12, 2016



ORIGINAL SCALE: 1" = 20'

1-949

AUTOCAD FILE: 1-949.DWG, COORDINATE FILE: 1-949.CRD

BOUNDARY CALLS IN PARENTHESES ARE FROM THE RECORD PLAT

THIS PROPERTY IS LOCATED ON FIRM COMMUNITY PANEL 470181 0235D, DATED 29 SEP 2006, AND IS IN A ZONE "X" (OUTSIDE 500 YEAR FLOOD)

LEGEND:

1. = REBAR FOUND
2. = UTILITY POLE
3. = OVERHEAD UTILITY WIRES
4. = FENCE

GENERAL NOTES:

1. THIS SURVEY IS SUBJECT TO ANY AND ALL EASEMENTS, WRITTEN OR UNWRITTEN.
2. ADJOINING OWNERS AND DEED REFERENCES, AS SHOWN HEREON, ARE BASED UPON COUNTY TAX RECORDS AND ARE SUBJECT TO THE ACCURACY THEREOF.
3. UTILITIES AND UNDERGROUND FEATURES HAVE NOT BEEN LOCATED AS A PART OF THIS SURVEY AND NO CERTIFICATION IS MADE THEREOF.
4. THIS SURVEY HAS BEEN MADE WITHOUT THE BENEFIT OF A TITLE EXAMINATION AND IS SUBJECT TO ANY LEGAL DOCUMENTATION THAT MAY AFFECT PROPERTY SHOWN HEREON.
5. THIS SURVEY IS SUBJECT TO ANY ZONING REGULATIONS WHICH MAY BE IN EFFECT AS OF THE DATE HEREON.
6. NO WARRANTY IS EXPRESSED OR IMPLIED AS TO THE DISTANCE OR NON-DISTANCE OF BURIAL SITES, TOXIC WASTE SITES, BETA-LANDES, CAVES OR BOMB HOLES ON THIS PROPERTY. HOWEVER IF ANY OF THESE DO EXIST THEIR PRESENCE COULD ADVERSELY AFFECT THE USE AND VALUE OF THIS PROPERTY.

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.

This is my only driveway. So this is the only place I have that it will look like part of my house. To extend my drive way I would have to cut down a pretty Red Oak Tree, tear my fence down and turn it away to the back to get the variance from Roths property, would be a stand alone garage in the back and an eye sore to my neighbors.

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

Could not make a carport like it was part of my house, Use the drive way to park my vehicle but not keep it out of the weather.

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 conditions of property were this way when I purchased it.

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

With the same shingles and trim as my house it would look natural like its part of my house. It would not alter anything that has been a part of these two properties. ~~It~~ It would not hinder anything that could be done between them because all that between the two properties is a steep bank that the carport would be close to.

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.

Board of Zoning Appeals
201 W. Market St.
Kingsport, TN. 37660

Ruth Johns
608 Beechwood Drive
Kingsport, TN. 37663

Dear Board of Zoning.

On the subject of the variance appeal, for the property of Dennis A. Robbins adjoining my property at 608 Beechwood Drive, I hope the Board of Zoning appeals grants his variance appeal. I want him to have it and want to see it. The side in question adjoining our properties has little usage to either of us. I have no entrance in to my house from this side and never will. There is only a few feet maybe 4 feet until it drops on steep incline down to Dennis's property that he has always taken care of and I cannot stand on it. This carport close to my property would never cause a hardship to anyone.

Ella Ruth Johns
423-525-3213

MEMORANDUM

TO: KINGSFORT BOARD OF ZONING APPEALS

FROM: Ken Weems, AICP, Zoning Administrator

DATE: September 21, 2016

RE: Property located off Kendrick Creek Road, Parcels 097.05 and 098.50

The Board is asked to consider the following request:

Case: 16-701-00018 – Property located off Kendrick Creek Road, Control Map 119, Parcels 097.05 and 098.50 requests a special exception to Sec 114-201(c)(1) necessary to accommodate a franchised auto dealership. The property is zoned TA/C, Tourist Accommodation/Commerce District.

I have included the TA/C zoning district ordinance in the packet. A franchised auto dealership is the only use eligible for a special exception in the TA/C District.



ORDINANCE NO. 6245

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF KINGSFORT, TENNESSEE, DIVISION 2, SECTION 114-201; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

BE IT ORDAINED BY THE CITY OF KINGSFORT, AS FOLLOWS:

SECTION I. That Section 114-201 of the Code of Ordinances, City of Kingsport, Tennessee is amended by deleting the entire section and substituting in its place the following:

Sec. 114-201. TA/C tourist accommodation/commerce district.

Intent. – This district is intended to provide the traveling public and regional residents an area for large scale shopping centers of 350,000 square feet or more in one or more buildings on 40 or more acres of land. Development within each TA district designation is to consist of hotels, retail, office, service, entertainment and recreation uses in building and service areas sharing internal parking and circulation. The TA development may include peripheral parcels for sale to other commercial users as long as such parcels are identified as part of an integrated master plan for the development.

(a) *Principal uses.* Principal uses permitted in the TA tourist accommodation district are as follows:

- (1) Uses that provide the traveling public with convenient services, but only when adjacent to major highway interchanges, including automobile service stations, restaurants and lounges, motels and hotels, indoor movie theatres, gift shops and other similar shops.
- (2) Governmental uses.
- (3) Public and private parks.
- (4) Public and private utilities to serve residents of the area.
- (5) Regional shopping centers and shopping malls.
- (6) Satellite medical facilities, including specialist medical clinics.
- (7) Public Art.
- (8) Non-Motorized trails, and trailheads facilities, equestrian use trails.
- (9) Micro-Brewery & Winery.
- (10) Outdoor theatre/Amphitheatre.
- (11) Stadium, Sports Arena, Auditorium, with fixed seating.
- (12) Banks and Financial Institutions.

(13) Art Galleries and museums;

and other substantially similar uses.

(b) *Accessory uses.* Accessory uses which are accessory, incidental and subordinate to principal uses are permitted in the TA district as follows: swimming pools, spas, private parks, tennis courts, and parking facilities.

(c) *Special Exceptions.* Special exceptions are permitted only with the approval of the board of zoning appeals and are as follows:

(1) *Franchised Auto dealership.*

(d) *Prohibited uses.* Uses prohibited in the TA district are as follows:

(1) Retail and service uses, except for those described in subsection (a) or (b) of this section.

(2) Residential, warehousing, industry, and truck stops.

(e) *Dimensional requirements.* The minimum and maximum dimensional requirements for the TA district are as follows:

(1) *Minimum requirements.*

a. Lot area, No requirements.

b. Lot frontage minimum of 50 feet on a public road with an average of 150 at the building line feet.

c. Front yard, 30 feet.

d. Each side yard, None Required. When a side yard is provided, it shall not be less than ten feet.

e. Rear yard, None Required.

f. Usable open space, not applicable.

(2) *Maximum permitted.*

a. Lot coverage, No requirements.

b. Building height: No building or structure shall exceed 60 feet in height.

(f) *Plan requirements.* Tourist accommodation districts require submittal of a zoning development plan for planning commission approval. The planning commission may add other dimensional requirements or restrictions.

(g) *Signs.* See article IV of this chapter for sign provisions except when the development is restricted by a sign regulation covenant accepted by the city at the time of the zoning approval

and recorded in the official records of Sullivan County.

(h) *Parking.* See article V of this chapter for parking and loading provisions.

(i) *Landscaping, Buffering and Screening.* See Article VI of this chapter for landscaping and land use buffering requirements.

(Code 1981, app. A, art. IV, § 9; Ord. No. 4018, § IV(21), 3-21-95; Ord. No. 4276, § I, 9-3-96; Ord. No. 4454, § 1, 11-4-97)

SECTION II. That this ordinance shall take effect from and after the date of its passage and publication, as the law directs, the public welfare of the City of Kingsport, Tennessee requiring it.

DENNIS R. PHILLIPS, Mayor

ATTEST:

ANGELA MARSHALL
Deputy City Recorder

APPROVED AS TO FORM:

J. MICHAEL BILLINGSLEY, City Attorney

PASSED ON 1ST READING: September 4, 2012

PASSED ON 2ND READING: September 18, 2012

REGULAR MEETING
& PUBLIC HEARING
Kingsport Board of Zoning Appeals

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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
P1T 9/26/16

APPLICATION
Board of Zoning Appeals



APPLICANT INFORMATION:

Last Name Taylor First Stewart M.I. Date 9/15/16
Street Address Taylor Properties #2 LP; 1043 Fordtown Road Apartment/Unit #
City Kingsport State TN ZIP 37663-3584
Phone (423) 349-6957 E-mail Address stewart@trieliteholdingsllc.com

PROPERTY INFORMATION:

Tax Map Information Tax map: 119 Group: Parcel: 097.05 Lot: 098.50
Street Address Kendrick Creek Road Apartment/Unit #
Current Zone TA/C Proposed Zone TA/C
Current Use Farm Proposed Use Auto Dealership

REPRESENTATIVE INFORMATION:

Last Name Roller First William M.I. P Date 9/15/16
Street Address Mountcastle Corporation; 203 Broyles Drive Apartment/Unit #
City Johnson City State TN ZIP 37602
Phone (423) 282-6141 Ext. 129 E-mail Address wroller@mountcastlecorporation.com

REQUESTED ACTION:

Special exception to permitted use to allow auto dealership.

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:

Date: Sept 14-2016

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

a notary public for the State of Tennessee

County of Sullivan

Notary Myelene A. Doolittle

My Commission Expires 8/22/2017

1000

MEMORANDUM

TO: KINGSFORT BOARD OF ZONING APPEALS

FROM: Ken Weems, AICP, Zoning Administrator

DATE: September 21, 2016

RE: Property Located off Fort Henry Drive, a Portion of Parcel 3

The Board is asked to consider the following request:

Case: 16-701-00019 – Property located off Fort Henry Drive, Control Map 77H, Group C, a Portion of Parcel 003.00 requests a special exception to Sec 114-227 necessary to accommodate an institution for human care (assisted living facility). The property is zoned B-4P, Planned Business District.



REGULAR MEETING
& PUBLIC HEARING
Kingsport Board of Zoning Appeals

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

Case: 16-701-00019 – Property located off Fort Henry Drive, Control Map 77H, Group C, a Portion of Parcel 003.00 requests a special exception to Sec 114-227 necessary to accommodate an institution for human care (assisted living facility). The property is zoned B-4P, Planned Business 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 Demming, City Recorder
PIT 9/26/16

APPLICATION
Board of Zoning Appeals



APPLICANT INFORMATION:

Last Name	Elcan	First	Daniel	M.I.	G	Date	9/01/2016
Street Address	3601 Spring Hill Business Park			Apartment/Unit #		Suite 201	
City	Mobile	State	AL	ZIP	36608		
Phone	251-460-0069	E-mail Address	delcan@elcaninc.com				

PROPERTY INFORMATION:

<i>Tax Map Information</i>	Tax map: 77H	Group: C	Parcel:	Lot: Lot 9 of RiverBend Development
Street Address	Lot 9 of RiverBend Development City of Kingsport TN Sullivan County			Apartment/Unit #
Current Zone	B-4P	Proposed Zone	n/a	
	District	Proposed Use	Assisted Living Facility	

REPRESENTATIVE INFORMATION:

Last Name	Elcan	First	Daniel	M.I.	G	Date	8/10/2016
Street Address	3601 Spring Hill Business Park			Apartment/Unit #		Suite, 201	
City	Mobile	State	AL	ZIP	36608		
Phone	251-460-0069	E-mail Address	delcan@elcaninc.com				

REQUESTED ACTION:

Special exception to allow an Assisted Living Facility in the B-4P Zone on the south side of Walmart.

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.

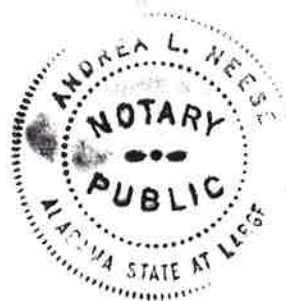
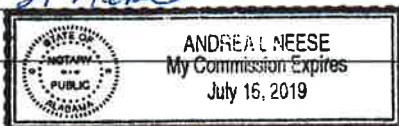
Signature: 

Date: 9/01/2016

Signed before me on this 15th day of Sept., 20 16,
a notary public for the State of Alabama
County of Mobile

Notary Andrea L. Neese

My Commission Expires



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

September 1, 2016

10:30 a.m.

Members Present:

Leland Leonard, Chairman
Frank Oglesby, Vice Chairman
Ashok Gala

Members Absent

Bob Winstead, Jr.
Bill Sumner

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 the intersection of Gibson Mill Road and W. Ravine Road, as well as 2504 Hawaii Street. No official action was taken.

The driving tour concluded at 11:15 a.m.

Respectfully Submitted,

Ken Weems, AICP
Zoning Administrator

MINUTES OF THE KINGSPORT BOARD OF ZONING APPEALS (BZA)

September 1, 2016, Regular Meeting

Noon

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

Members Present:

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

Members Absent

Bill Sumner

Staff Present:

Ken Weems, AICP
Jessica Harmon
Page Jeffers

Visitors:

Marcy Walker
Terry Browder

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. Both Marcy Walker and Terry Browder were sworn in.

Public Hearing:

Case: 16-701-00015 – Property located at the corner of Gibson Mill Road and West Ravine Road, Control Map 46G, Group A, a Portion of Parcel 001.00 requests a special exception for an institution for human care (orthopaedic office) to Sec. 114-227. The property is zoned B-4P, Planned Business District.

Ms. Marcy Walker presented the case to the Board. Ms. Walker stated that the property currently consists of a grassed pad and an existing parking lot. Ms. Walker stated that Wellmont is selling the property to Associated Orthopaedics. Ms. Walker also summarized the existing conditions of the property, noting the existing vegetative buffers already in place that screens the site from adjacent residential uses.

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

Case: 16-701-00016 – Property located at 2504 Hawaii Street, Control Map 91A, Group E, Parcel 049.00 requests a 5 foot variance to Sec 114-533(2)c(2) necessary to accommodate a freestanding sign. The property is zoned R-1B, Residential District.

Mr. Terry Browder, Administrator for Homeland Baptist Church, presented the case to the Board. Mr. Browder referenced the sketches of the sign provided to the Board in the submittal.

Mr. Browder called attention to the similar sign across the street. Mr. Browder stated that the church wants the sign to look nice so as to appeal to passing motorists. Chairman Leonard asked why a 10 foot tall sign is needed. Mr. Browder stated that the church needed maximum visibility along Sullivan Gardens Parkway.

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

Chairman Leonard, in conducting the business portion of the meeting, called for the approval of the August 4, 2016 driving tour and regular meeting minutes.

On a motion by Mr. Winstead, seconded by Mr. Oglesby, the Board approved the August 4, 2016 driving tour minutes. On a motion by Mr. Winstead, seconded by Mr. Oglesby, the Board approved the August 4, 2016 regular meeting minutes.

The Board stated, for the record, that the next submittal deadline is September 15, 2016 at noon for the October 6, 2016 regular meeting.

Staff stated that there are no staff reports for the September meeting.

Adjudication of Cases:

Case: 16-701-00015 – Property located at the corner of Gibson Mill Road and West Ravine Road, Control Map 46G, Group A, a Portion of Parcel 001.00

Chairman Leonard stated that the area would benefit from the proposal. Mr. Gala noted that the new building would be an asset to the community.

MOTION: made by Mr. Gala, seconded by Mr. Winstead to grant the special exception as requested.

VOTE: 3-0 to approve the request due to no negative impact on adjacent property.

Case: 16-701-00016 – Property located at 2504 Hawaii Street, Control Map 91A, Group E, Parcel 049.00

Chairman Leonard restated that this variance case is for an additional 5 feet of height for the proposed freestanding sign. Additionally, Chairman Leonard noted that the applicant had done a great job on the submittal. Mr. Ogelsby stated that the property had a tremendous amount of road frontage, which further validates the need for increased signage.

MOTION: made by Mr. Winstead, seconded by Mr. Ogelsby to grant the 5 foot height variance for the freestanding sign.

VOTE: 3-0 to approve the request due to the large amount of road frontage contained by the use, as well as the existence of a similar freestanding sign in the vicinity of 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 existing parcel configuration supplies the church use with a tremendous amount of road frontage in comparison with adjacent residentially zoned lots.*

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 sign similar to what adjacent commercial parcels could enjoy without the need of a variance.*

With no further business the meeting was adjourned at 12:33 p.m.

Respectfully Submitted,

Ken Weems, AICP
Zoning Administrator