

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

**August 4, 2016**

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 1300 East Stone Drive, 2608 East Center Street, and 2617 North John B Dennis Highway. No official action was taken.

The driving tour concluded at 11:35 a.m.

Respectfully Submitted,

Ken Weems, AICP  
Zoning Administrator

## MINUTES OF THE KINGSPORT BOARD OF ZONING APPEALS (BZA)

### August 4, 2016, 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

#### Members Absent

Bob Winstead, Jr.

#### Staff Present:

Ken Weems, AICP  
Page Jeffers

#### Visitors:

Manoj Patel  
Ankit Patel  
Fran Elliot  
Mike Elliot  
Steve Droke  
Roger Barnett

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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. Manoj Patel, Fran Elliot, Mike Elliot, and Roger Barnett were sworn in.

#### **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.

Mr. Manoj Patel presented the case to the Board. Mr. Patel described the need for the variance of 2.2 feet in order to accommodate a 10 foot addition to his existing convenience store. Mr. Patel noted that his store is currently full of coolers and that during the summer the building heats to intolerable levels due to cooler motors. Mr. Patel acknowledged that his parcel is shallow compared to adjacent parcels.

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

**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.

Ms Fran Elliot presented the case to the Board. Ms. Elliot explained that she and her husband/business partner are looking to relocate their Livewire Communications office use from Memorial Boulevard. Ms. Elliot noted that the existing building located at 2608 East Center Street would suit their needs and also provide extra office space for them to rent. Ms. Elliot stated that the use would be compatible with the adjacent neighbors on Houston Avenue and also be a great use of a building that has been vacant for some time.

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

**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.

Mr. Roger Barnett presented the case to the Board. Mr. Barnett stated that the first building in the development will contain a podiatrist office and a lawyer office. Mr. Barnett stated that he had worked with TDOT and the city traffic department to get the driveway access approved. Additionally, Mr. Barnett noted that he had been working with the city stormwater officials to ensure protection of the creek between his development and North John B Dennis Highway. Mr. Barnett also described the buffering from the Cross Creek Apartments to the east of the development. Mr. Barnett noted that the existing mature tree buffer would remain untouched.

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

Chairman Leonard began the business meeting portion of the agenda by calling for approval of the minutes. On a motion by Bill Sumner, seconded by Frank Ogelsby, the minutes of the July 7, 2016 driving tour were approved unanimously. On a motion by Bill Sumner, seconded by Frank Ogelsby, the minutes of the July 7, 2016 regular meeting were approved unanimously.

The Board stated, for public record, that the submittal deadline for the September 1, 2016 meeting is August 15, 2016 at noon.

Seeing no staff reports, the Chairman proceeded to adjudication of cases.

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

**Case: 16-701-00012 – Property located at 1300 East Stone Drive, Control Map 46L, Group B, Parcel 002.00**

Chairman Leonard stated that Mr. Patel's parcel is not as deep as the adjacent commercial parcels that front East Stone Drive. Bill Sumner noted that the convenience store is in need of the additional space due to the tightly packed coolers making inside conditions both cramped and hot. Frank Ogelsby stated that he did not see any negative impact to adjacent properties.

MOTION: made by Bill Sumner, seconded by Ashok Gala to grant both variance as requested with the condition that the building addition matches the color scheme of the existing building.

VOTE: 3-0 to approve the request due to the property configuration constraints and existing conditions when the property was 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 parcel configuration is not as deep as adjacent commercial parcels along East Stone Drive.*
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 existing building 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 allowing an expanded structure similar to what adjacent commercial parcels could enjoy without the need of a variance.*

**Case: 16-701-00013 – Property located at 2608 East Center Street, Control Map 62A, Group D, Parcel 017.00**

Frank Ogelsby stated he saw no problem with the special exception being granted. Bill Sumner stated that he has been aware of the building his whole life, and that it was built a long time ago and has housed a multitude of commercial uses.

MOTION: made by Bill Sumner, seconded by Frank Ogelsby to grant the special exception with the limitation that the upstairs portion of the existing building be limited to a maximum of 7 office spaces.

VOTE: 3-0 to approve the request due to a finding of no negative impact on the adjacent neighborhood.

**Case: 16-701-00014 – Property located at 2671 North John B Dennis Highway, Control Map 31, Parcels 007.00 and 008.00**

Chairman Leonard stated that he would not be voting on this item. Frank Ogelsby stated that this is a perfect use for the property.

MOTION: made by Frank Ogelsby, seconded by Mr. Sumner to grant the special exception as requested.

VOTE: 3-0 to approve the request due to a finding of no negative impact on the adjacent residential areas.

With no further business the meeting was adjourned at 12:50 p.m.

Respectfully Submitted,

Ken Weems, AICP  
Zoning Administrator