

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

December 1, 2016

10:30 a.m.

Members Present:

Leland Leonard, Chairman

Members Absent:

Frank Oglesby, Vice Chairman

Bill Sumner

Ashok Gala

Bob Winstead, Jr.

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 1133 Riverbend Drive and 1460 Belmont Drive. No official action was taken.

The driving tour concluded at 11:20 a.m.

Respectfully Submitted,

Ken Weems, AICP
Zoning Administrator

MINUTES OF THE KINGSPORT BOARD OF ZONING APPEALS (BZA)

December 1, 2016, Regular Meeting

Noon

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

Members Present:

Leland Leonard, Chairman

Bill Sumner

Bob Winstead, Jr.

Members Absent

Frank Oglesby, Vice Chairman

Ashok Gala

Staff Present:

Ken Weems, AICP

Alison Fields

Nathan Woods

Visitors:

Ronald McCarty

Lorraine Abraham

David Swank

Kattie Casebolt

Chairman Leonard called the meeting to order.

Chairman Leonard explained the meeting procedures.

Ms. Alison Fields conducted the swearing in ceremony for those wishing to speak during the regular meeting. Ronald McCarty, Lorraine Abraham, and Kattie Casebolt were sworn in.

Public Hearing:

Case: 16-701-00022 – Property located at 1460 Belmont Drive, Control Map 61C, Group K, Parcel 030.00 requests a 5.5 foot front yard variance to Sec 114-184 e(1)c to accommodate a covered front porch. Additionally, a .9 foot side yard variance to Sec 114-140 (4) to accommodate an uncovered wooden deck. The property is zoned R-1C, Residential District.

Mr. McCarty presented the case to the Board. Mr. McCarty stated that he had decided to cover the entirety of his front porch and needed additional front yard variance relief to do so. Mr. McCarty acknowledged that he already received Board approval for a front yard variance to partially cover his front porch. Additionally, Mr. McCarty requested a minor side yard setback for a deck projection off of his existing covered carport. Mr. McCarty described the restrictive nature of the odd shaped lot that his home sits on.

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

Case: 16-701-00023 – Property located at 3505 Mellon Street, Control Map 22E, Group B, Parcel 007.00 requests a 7.7 foot variance to Sec 114-183 e(1)e to accommodate a new single family home. The property is zoned R-1B, Residential District.

Case: 16-701-00024 – Property located at 3509 Mellon Street, Control Map 22E, Group B, Parcel 06.00 requests a 14.4 foot variance to Sec 114-183 e(1)e to accommodate a new single family home. The property is zoned R-1B, Residential District.

Case: 16-701-00025 – Property located at 3513 Mellon Street, Control Map 22E, Group B, Parcel 005.00 requests a 14.9 foot variance to Sec 114-183 e(1)e to accommodate a new single family home. The property is zoned R-1B, Residential District.

Chairman Leonard stated that the Board would hear all three Mellon Street cases at the same time, due to the similarity of the three cases. Ms. Lorraine Abraham presented the cases to the Board. Ms. Abraham stated that she plans to build a single family home on each of the three lots. Ms. Abraham further stated that the lots are too small to accommodate her house plans, even though her home plans call for smaller than average homes. Staff confirmed that all three lots are under 5,000 square feet in size and non-conforming to the R-1B minimum lot size of 7,500 square feet. Additionally, Ms. Abraham stated that she desired to preserve the full 30 foot front yard, opting to request variance relief for the rear yard of each lot only.

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

Case: 16-701-00026 – Property located at 1133 Riverbend Drive, Control Map 77H, Group C, Parcel 002.40 requests a variance to Sec 114-533(3)b to accommodate two freestanding signs. The property is zoned PD, Planned Development District.

Ms. Kattie Casebolt presented the case to the Board. Ms. Casebolt stated that other similar residential developments that her client had developed in the past had two entrance signs. Ms. Casebolt also stated that the two sign configuration is most desirable for her client. Ms. Casebolt further stated that due to the location of the Riverbend development, the signs would not likely be seen by people other than those seeking to visit the residential development that the two signs would serve.

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 November 3, 2016 walking tour and regular meeting minutes.

On a motion by Mr. Sumner, seconded by Mr. Winstead, the Board approved the November 3, 2016 walking tour minutes. On a motion by Mr. Sumner, seconded by Mr. Winstead, the Board approved the November 3, 2016 regular meeting minutes.

The Board stated, for the record, that the next submittal deadline is December 15, 2016 at noon for the January 5, 2017 regular meeting.

Adjudication of Cases:

Case: 16-701-00022 – Property located at 1460 Belmont Drive, Control Map 61C, Group K, Parcel 030.00

Chairman Leonard stated that the Board has a history of granting variances for this property due to its highly unusual lot shape. Chairman Leonard noted that this lot is truly different from any of the lots surrounding it. Chairman Leonard stated that he had initial concerns about potential lot

coverage issues, but found this to not be the case after reviewing the submitted survey of the property.

MOTION: made by Mr. Winstead, seconded by Mr. Sumner, to grant both variances as proposed.

VOTE: 3-0 to approve the request due to highly irregular lot shape.

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 long and lean, unlike any other parcel in the surrounding area.*
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 such a hardship.*
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. The applicant purchased the property with its existing lot shape as-is.*
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: 16-701-00023 – Property located at 3505 Mellon Street, Control Map 22E, Group B, Parcel 007.00

Chairman Leonard noted the unusually small lots size of each parcel along Mellon Street being considered for a variance. Mr. Sumner agreed that the proper yard to grant a variance for is the rear yard in this situation.

MOTION: made by Mr. Sumner, seconded by Mr. Winstead, to grant the rear yard variance as proposed.

VOTE: 3-0 to approve the request due to unusually small lot size.

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 smaller than one that would be allowed in the most restrictive residential zone. This feature is not observed with surrounding parcels in the vicinity of the request.*

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 such a hardship.*
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. The applicant purchased the property with its existing lot shape as-is.*
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: 16-701-00024 – Property located at 3509 Mellon Street, Control Map 22E, Group B, Parcel 06

Chairman Leonard stated that the same issue is at hand with this case just like the other two Mellon Street cases.

MOTION: made by Mr. Winstead, seconded by Mr. Sumner, to grant the rear yard variance as proposed.

VOTE: 3-0 to approve the request due to unusually small lot size.

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 smaller than one that would be allowed in the most restrictive residential zone. This feature is not observed with surrounding parcels in the vicinity of the request.*
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 such a hardship.*
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. The applicant purchased the property with its existing lot shape as-is.*
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: 16-701-00025 – Property located at 3513 Mellon Street, Control Map 22E, Group B, Parcel 005.00

Chairman Leonard stated that the same issue is at hand with this case just like the other two Mellon Street cases.

MOTION: made by Mr. Winstead, seconded by Mr. Sumner, to grant the rear yard variance as proposed.

VOTE: 3-0 to approve the request due to unusually small lot size.

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 smaller than one that would be allowed in the most restrictive residential zone. This feature is not observed with surrounding parcels in the vicinity of the request.*
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 such a hardship.*
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. The applicant purchased the property with its existing lot shape as-is.*
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: 16-701-00026 – Property located at 1133 Riverbend Drive, Control Map 77H, Group C, Parcel 002.40

Chairman Leonard stated that his concern over this request is that it would set a precedent for all of the other multi-family developments in the city. Mr. Sumner added that he could not identify a hardship to supply rationale for granting the request.

MOTION: made by Mr. Winstead, seconded by Mr. Sumner, to deny the request for a second freestanding sign.

VOTE: 3-0 to deny the request based on the inability of the Board to identify a hardship to support the request.

Mr. Sumner made a motion to adjourn the meeting. Mr. Winstead seconded the motion. The motion passed with a vote of 3-0.

With no further business the meeting was adjourned at 12:45 p.m.

Respectfully Submitted,

Ken Weems, AICP
Zoning Administrator