

## APPLICATION KINGSPORT BOARD OF ZONING APPEALS (BZA)

The application deadline is the 15<sup>th</sup> of the month prior to the month the case is to appear before the BZA. The BZA meeting is the first Thursday of every month (the meeting time, and location will be determined on the application deadline).

If you have questions filling out the BZA application, you may call the Kingsport Planning Division at 423-229-9485.

The following items must be completed:

- Property owner hand signature:
- Representative hand signature:
- Representative name, daytime phone number, mailing address including zip code, fax number, email.
- If different from above, the address of the property, which seeks a variance or special exception:
- Provide a copy of a map showing the property, which seeks a variance or special exception.
- The property tax map, group, parcel number:
- Requested action:
  
- Special exceptions require a letter addressing the rationale the Board will use for granting special exceptions (see reverse side).
- Fifty-dollar (\$50) application fee cash, or check made out to City of Kingsport.
- Note, the Board may ask the following questions: submit a detailed site plan illustrating request, dimensions of proposed structure, distances between the proposed structure and all property lines based upon a professional survey, or accurate self-measurement, gutter overhangs may need to be included as part of the variance, verify if lot coverage variance needed with dimensional variance, the alignment of the residential house with the adjacent houses 100-feet on both sides, carports should be open and guttered with an A-frame, the square footage of the proposed sign, the square footage of the existing sign, the building ground coverage.
- Review private deed restrictions (the City is not involved).

**The BZA utilizes the following criteria in their decision:**

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. The Board may ask the following types of questions: what is the use, is the proposal an infrequent land use in the area, what are its impact upon the surrounding neighborhood, types of activities, hours of operation, number of anticipated customers/church membership and daily vehicles, are there accessible safe streets for the anticipated traffic and adequate on-site parking spaces, where are the existing and proposed driveway curb cuts, does it fit in with the neighborhood architecture aesthetics, is it in scale with the neighborhood, will it generate excessive noise, traffic accidents, dust, any additional landscaped screening to shield it from the neighborhood, will it alter the essential character of the neighborhood, are there any undesirable effect upon the neighborhood's physical or environmental conditions, other possible adverse impacts upon the health, safety, welfare of the surrounding area.

**Dimensional variances:**

- The physical conditions that are specific and unique to the applicant's land when compared to other property in the same zoning district that would prevent ALL economically beneficial land development in conformity with the generally applicable zoning code (i.e. exceptional narrowness, exceptional shallowness, exceptional shape, exceptional topographic conditions which would cause exceptional practical difficulties to meet the zoning code).
- The unique conditions and circumstances of the property were not the result of actions of the applicant taken subsequent to the adoption or amendment of the zoning BZA chapter of June 16,1981.
- The variance will preserve, not harm, the public safety and welfare (not be a substantial detriment to the zoning code i.e. is there adequate light and air between the adjacent property for fire protection? Can the proposed structure be relocated to meet the zoning setbacks without a variance? What is the least amount of variance necessary?).
- It will not alter the essential character of the neighborhood (i.e. what would the neighborhood look like if everybody else requested the same variance if the precedent is set?).

**Administrative review** is to consider if the Building Official, or other administrative official erred in zoning code enforcement, or interpretation.

**Called BZA Meeting.** Although rarely granted, you may submit a letter to the Planning Division requesting a called meeting, stating the reasons why the regular schedule cannot be followed, which will be forwarded to the BZA for a decision.

**BZA Meeting.** The applicant is advised to be present at the BZA meeting in order to answer possible questions from the Board and audience members.

**After the BZA Meeting:** Should the BZA grant your request, you must telephone the Kingsport Building Division at 423-229-9393 for information on obtaining building permits.

**Appeals:** The BZA will not rehear cases previously heard unless there is written documentation that there are one or more substantial changes in the conditions surrounding the case, and the BZA concurs through majority vote at their public meeting. Rehearing of a case will not include the introduction of additional testimony that could have been given during the public hearing. The aggrieved party, against whom the decision of the BZA is made, may have a review of the decision by petition for a common law writ of certiorari, addressed to either the law court or chancery court in the county. Such petition shall be filed 60 days from the date of the BZA decision, and written notice thereof given the aggrieved party.