

KINGSPORT BOARD OF ZONING APPEALS AGENDA  
REGULAR MEETING: April 3, 2014  
Development Services Building – Bob Clear Conference Room

CALL TO ORDER – 12:00 P.M. NOON

INTRODUCTION / MEETING PROCEDURES

**PUBLIC HEARING:**

**Case: 14-701-00002 – Property located at 1452 Central Street, Control Map 062H, Parcel 018.00**

**Requests a 908 square foot variance to [Sect.114-133(2)] in order to construct an accessory structure at this location. The code allows 1,100 square feet for accessory structures in a residential zone. The property is zoned R-1B, Residential District.**

***INTERESTED PARTIES:***

Owner: Thomas Morgan  
452 Central Street  
Kingsport, TN 37664  
(423) 292-8761  
orangetrim57@yahoo.com

Applicant/Agent: Same as above

Engineer/Architect: none

**BUSINESS:**

**Approval of the January 9, 2014 regular meeting and March 20, 2014 called meeting minutes**

**Stating for public record, the next application deadline is April 15, 2014 at noon, and meeting date (Thursday, May 1, 2014).**

**Staff Reports: Planner Ken Weems discussion of residential accessory structure zoning text amendment (ZTA) status of approval.**

**ADJUDICATION OF CASES:**

**ADJOURNMENT:**

MEMORANDUM

TO: KINGSFORT BOARD OF ZONING APPEALS

FROM: Ken Weems, AICP, Principal Planner

DATE: March 19, 2014

RE: 1452 Central Street

The Board is asked to consider the following request:

**Case: 14-701-00002 – Property located at 452 Central Street, Control Map 062H, Parcel 018.00**

Requests a 908 square foot variance to [Sect.114-133(2)] in order to construct an accessory structure at this location. The code allows 1,100 square feet for accessory structures in a residential zone. 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, April 3, 2014 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: 14-701-00002 – Property located at 1452 Central Street, Control Map 062H, Parcel 018.00** Requests a 908 square foot variance to [Sect.114-133(2)] in order to construct an accessory structure at this location. The code allows 1,100 square feet for accessory structures in a residential zone. 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 3/24/14

**APPLICATION**  
Board of Zoning Appeals



**APPLICANT INFORMATION:**

Last Name <i>Morgan</i>	First <i>Thomas</i>	M.I. <i>K</i>	Date <i>3-13-14</i>
Street Address <i>1452 Central street</i>		Apartment/Unit #	
City <i>Kingsport</i>	State <i>TN</i>	ZIP <i>37664</i>	
Phone <i>423-292-8761</i>	E-mail Address <i>orange trim 57@yahoo.com</i>		

**PROPERTY INFORMATION:**

Tax Map Information	Tax map <i>62H</i> Group: <i>S</i> Parcel: <i>18</i> Lot:
Street Address <i>1452 Central street</i>	Apartment/Unit #
Current Zone <i>R1 B</i>	Proposed Zone <i>Same</i>
Current Use <i>single family residential</i>	Proposed Use <i>Same</i>

**REPRESENTATIVE INFORMATION:**

Last Name <i>Morgan</i>	First <i>Thomas</i>	M.I. <i>K</i>	Date <i>3-13-14</i>
Street Address <i>1452 Central street</i>		Apartment/Unit #	
City <i>Kingsport</i>	State <i>TN</i>	ZIP <i>37664</i>	
Phone <i>423-292-8761</i>	E-mail Address <i>orange trim 57@yahoo.com</i>		

**REQUESTED ACTION:**

*908 square foot variance to accessory structure size in residential zone to add 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: *Thomas K. Morgan* Date: *3-13-14*

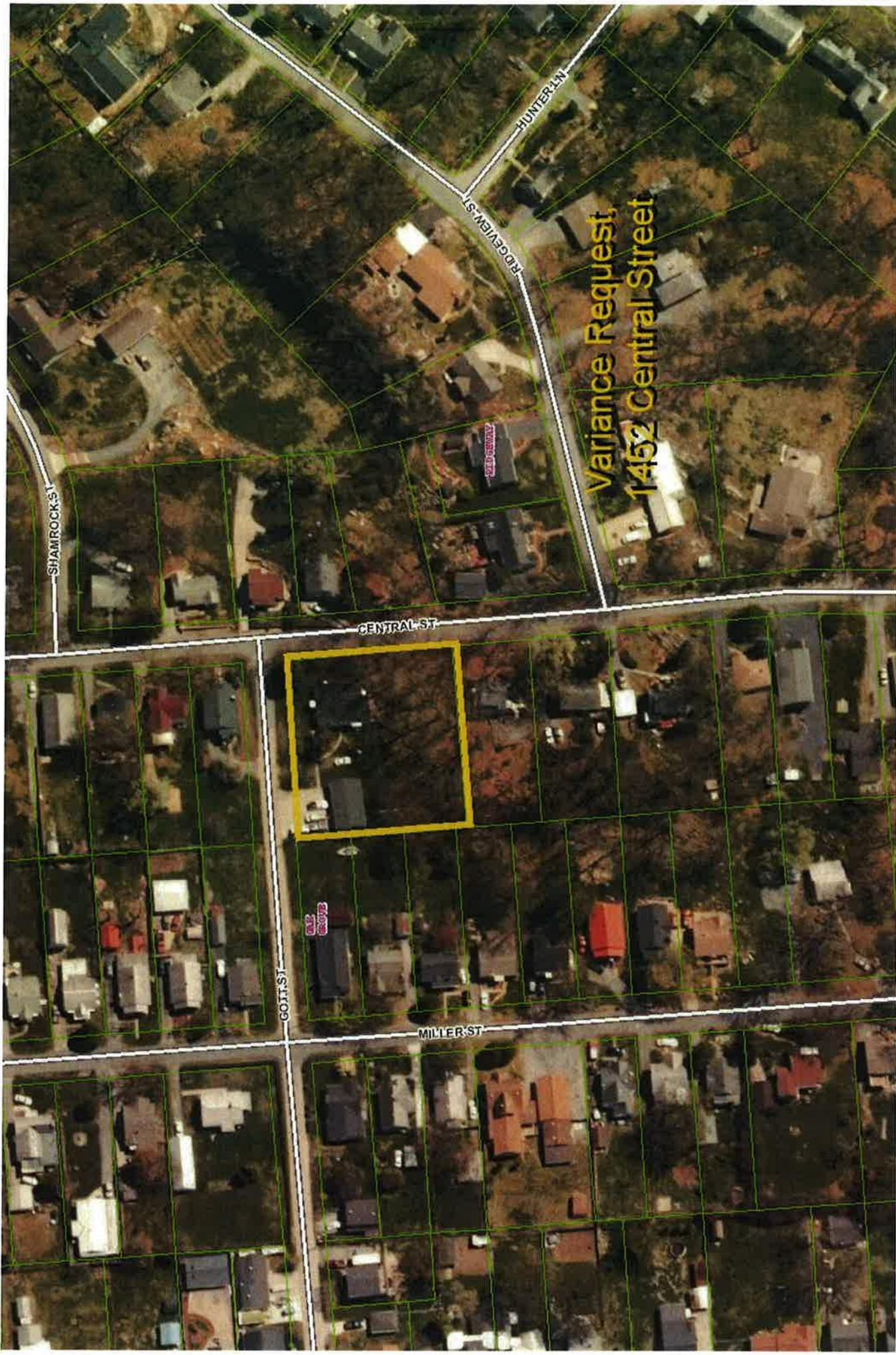
Signed before me on this *13<sup>th</sup>* day of *March* 20*14*  
 a notary public for the State of *Tenn*  
 County of *At Large*

Notary *Page M Jeffers*  
 My Commission Expires *8/24/14*





Variance Request  
1462 Central Street



Variance Request,  
1452 Central Street

SHAMROCK ST

HUNTER LN

RIDGEVIEW ST

CENTRAL ST

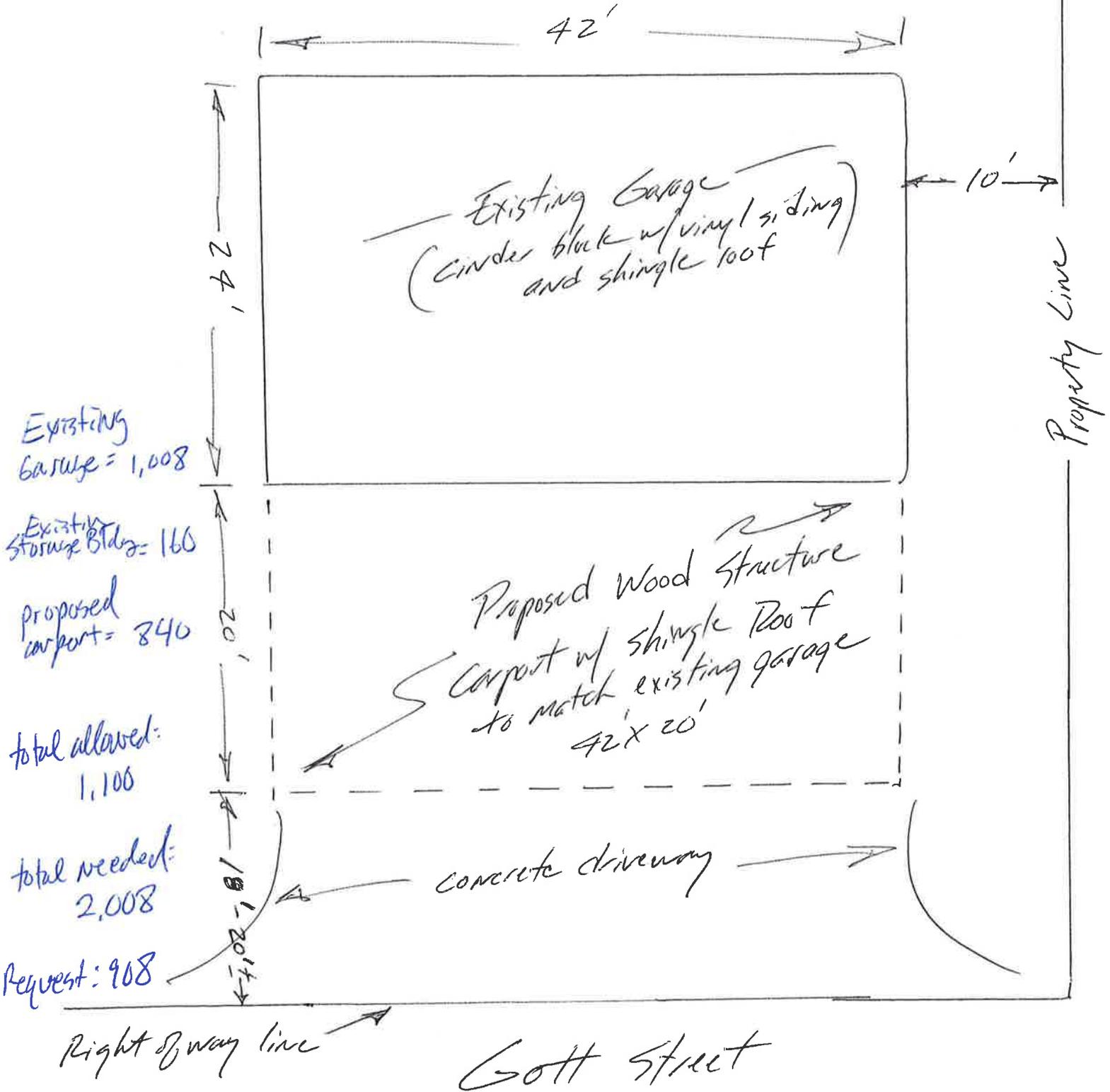
GOTT ST

MILLER ST



1452

# 1452 Central Street 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.

*The property consists of 3 1/2 lots fronting along Central street and is located on the corner of Central and Gott streets. Due to the prohibitive topography of Central street, access to the property has always been from Gott street. Due to the relative large size of the property within the neighborhood and ease of access from Gott street a 2 car garage was constructed as opposed to the typical 1 car garage structure.*

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

*I desire to construct an attached, aesthetically appealing carport to the existing garage. The garage is used to store a classic automobile and to secure my work vehicle and tools. The carport is necessary to protect my personal vehicles from 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.

*The residence has existed since the early 1930's and the garage has existed since the mid 1950's.*

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

*The proposed carport addition would consist of high quality wooden, vinyl siding with asphalt roofing shingles and aluminum gutters. It is intended to perfectly match and blend with the traditional architectural style of the house and garage. It would have no detrimental affect on public access, safety or welfare. The design is intended to blend with the traditional style of the neighborhood.*

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 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 adapted.
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.

Variance Worksheet – Finding of Facts for:

**Case: 14-701-00002 – Property located at 1452 Central Street, Control Map 062H, Parcel 018.00**  
**Requests a 908 square foot variance to [Sect.114-133(2)] in order to construct an accessory structure at this location. The code allows 1,100 square feet for accessory structures in a residential zone. The property is zoned R-1B, Residential District.**

*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.

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

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.

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

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.

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

**January 9, 2014**

10:30 a.m.

Members Present:

Leland Leonard, Chairman  
Diane Hills

Members Absent:

Frank Oglesby, Vice Chairman  
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 219 Cox Hollow Road which was to be considered for a variance during the day's regular meeting. No official action was taken.

The driving tour concluded at 11:05 a.m.

Respectfully Submitted,

Ken Weems, AICP, Principal Planner

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

### January 9, 2014, Called 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  
Diane Hills  
Bill Sumner

Members Absent:

Bob Winstead Jr.

Staff Present:

Ken Weems, AICP

Visitors:

Jeff Peters

---

Chairman Leonard called the meeting to order.

Chairman Leonard explained the meeting procedures.

### **Public Hearing:**

**Case: 13-701-0020 – Property located at 219 Cox Hollow Road Control Map 105J, Parcel 5.00** Requests a 948 square foot variance to [Sec.114-133(2)] in order to construct an accessory structure at this location. The code allows 1,100 square feet for accessory structures in a residential zone. The property is zoned R-1B, Residential District. Mr. Jeff Peters, the property owner, was sworn in by Diane Hills. Mr. Peters presented the case to the board. Mr. Peters explained the need for the requested garage due to the amount of antique cars he owns. Mr. Peters explained that the look of the garage would match the color of the existing principal structure located on the property.

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

### **Other Business:**

On a motion by Diane Hills, seconded by Bill Sumner, the Board voted unanimously to approve the minutes of the November 21, 2013 regular meeting.

The Board stated for public record the next application deadline is on January 15, 2014 at noon. The next scheduled meeting will be held on February 6, 2014.

### **Election of Officers:**

Chairman Leonard asked Ken Weems to conduct the election of officers for the year 2014. Upon nomination of Chairman Leonard for Chairman, the board approved the nomination unanimously (motion by Oglesby seconded by Sumner). The board nominated Vice Chairman Oglesby for Vice Chairman. The board approved the nomination unanimously (motion by Sumner seconded by Hills).

**Staff Report:**

Planner Ken Weems, at the request of the board, assembled new zoning text language to address the board's concerns about disproportionate accessory structure size requirements when dealing with large lots. Mr. Weems discussed what the City of Johnson City, Bristol TN, and Sullivan County use for accessory structures in their residential districts. Mr. Weems explained that the zoning text proposal was a good compromise between the relatively liberal Bristol guidelines and the relatively conservative Johnson City guidelines. The proposal at hand is to add language to the residential accessory structure portion of the zoning code that allows for accessory structures to maximize size as 2% of the total parcel area for lots over 2 acres in size, with a maximum accessory structure size of 5,000 square feet. The board agreed that the zoning text amendment was a good one that would suit their needs and desire for fairness when it comes to accessory structures in residential zones that contain larger than average lots. The board voted unanimously to have staff send the zoning text amendment to the next Planning Commission meeting for recommendation to the Board of Mayor and Aldermen (motion by Hills seconded by Oglesby).

**Adjudication of Cases:**

**Case: 13-701-0020 – Property located at 219 Cox Hollow Road Control Map 105J, Parcel 5.00** The Board discussed the size parameters of the property.

**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. *This lot is larger than average, extending from Cox Hollow Road to the creek in the back of the property. The proposed size of the structure does not violate the lot coverage requirement.*
2. The manner in which the strict application of this chapter would deprive the applicant of a reasonable use of the land. *This property was annexed in the last 7 years by the City of Kingsport as part of an existing rural landscape. A variance on accessory structure size will provide the coverage originally retained by the lot as one outside the City limits.*
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 configuration 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 provide the necessary secure storage for property of such size.*

**MOTION:** made by Bill Sumner, seconded by Frank Oglesby to grant the variance of 948 square feet to the maximum accessory structure size for a residential lot as requested, with the exterior of the proposed garage matching the trim, materials, and color of the principal structure.

**VOTE:** 3-0 to approve the request as presented because the variance would have no negative impact on the existing area.

With no further business the meeting was adjourned.

Respectfully Submitted,

Ken Weems, AICP, Principal Planner