

Board of Zoning Appeals Criteria and Application Requirements

The BZA utilizes the following Criteria in their decisions:

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.

Application Requirements of the Petitioner for a Special Exception:

1. Completed Application
2. Provide staff with a drawing/plan of the proposed building with dimensions, parking lots, existing and proposed driveway, required green space and traffic circulation patterns.

When applying for a special exception keep in mind the following and be prepared to answer:

1. What is the use, activities, hours of operation, numbers of anticipated customers and daily vehicles?
2. Are there accessible safe streets for anticipated traffic and adequate parking facilities on site?
3. Does the use and additions if any, fit with the neighborhood architecture aesthetics?
4. Will the use generate excessive noise, traffic, dust, etc.?
5. Is there proper fencing and screening to shield proposed use from existing neighborhood?
6. Are there any undesirable effect upon the neighborhood's physical or environmental conditions or any adverse impacts on the health, safety and welfare of the surrounding area?

**** All requested material must accompany a completed application form before it will be accepted by staff and placed on the Board of Zoning Appeals agenda. All application packets along with a \$50.00 processing fee must be turned into the Kingsport Planning Office before NOON on the 15th of the month prior to the month the item is to be heard by the Board of Zoning Appeals.**

A Variance request to the Zoning Code is another type of case decided by the BZA. The Board is empowered to grant a variance when compliance to a zoning requirement results in difficulties or undue hardships to the applicant.

Variations. 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.

Application Requirements of Petitioner for a Variance:

1. Completed Application form.
2. List any "hardship" that pertains to the property in question.
3. Provide staff with a survey of the property containing the existing buildings with dimensions in relation to all property lines.
4. Provide staff with a drawing/plan of the proposed building with dimensions and a list of materials used for building. Pictures of examples are encouraged.

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

Application Requirements of the Petitioner for an Administrative Review:

1. Completed Application
2. Provide staff with details of project.
3. The alleged error/interpretation of the Building Official or other city officials regarding Zoning Code and the specific code in question.

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BZA Meeting: The meetings of the Board of Zoning Appeals are open to the general public. Each meeting is advertised in the local paper, the Kingsport Times News at least 10 days prior to the meeting.

The applicant is required to attend the scheduled meeting in which his or her case is heard. The applicant or representative will present the case to the Board of Zoning Appeals. If the applicant or representative is not present at the meeting, the Board may postpone the item until the next scheduled meeting or the Board may deny the request because no one was present to answer questions from the Board or audience members.

Called BZA Meetings: To ask for a called meeting of the BZA; a letter must be submitted to the Planning Division, requesting a called meeting of the Board of Zoning Appeals. The letter must state the reasons why the regular schedule cannot be followed. The Planning Staff will forward the letter to the Chairman of the BZA for a decision. Staff will relay the decision of the Board to the petitioner.